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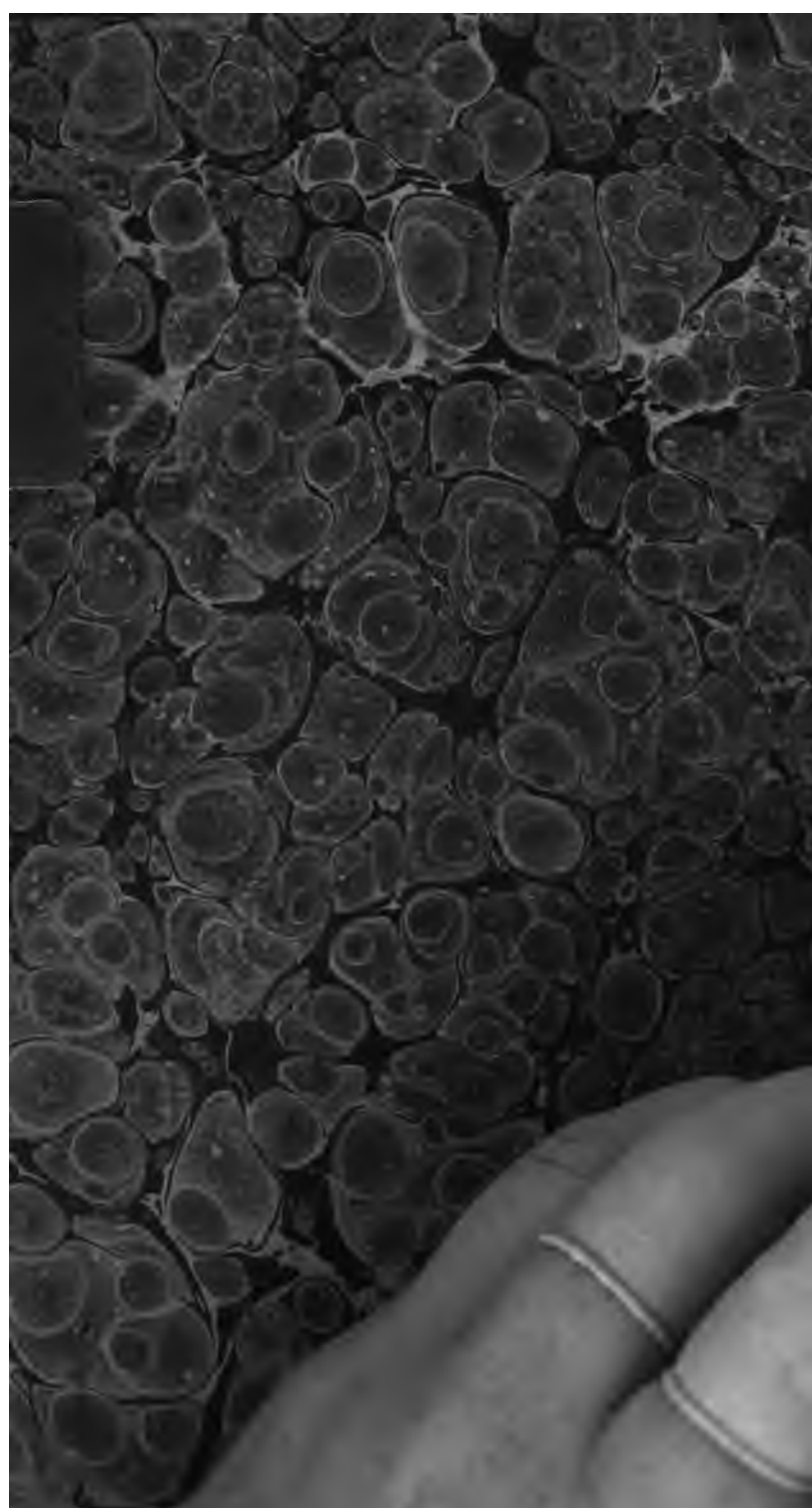
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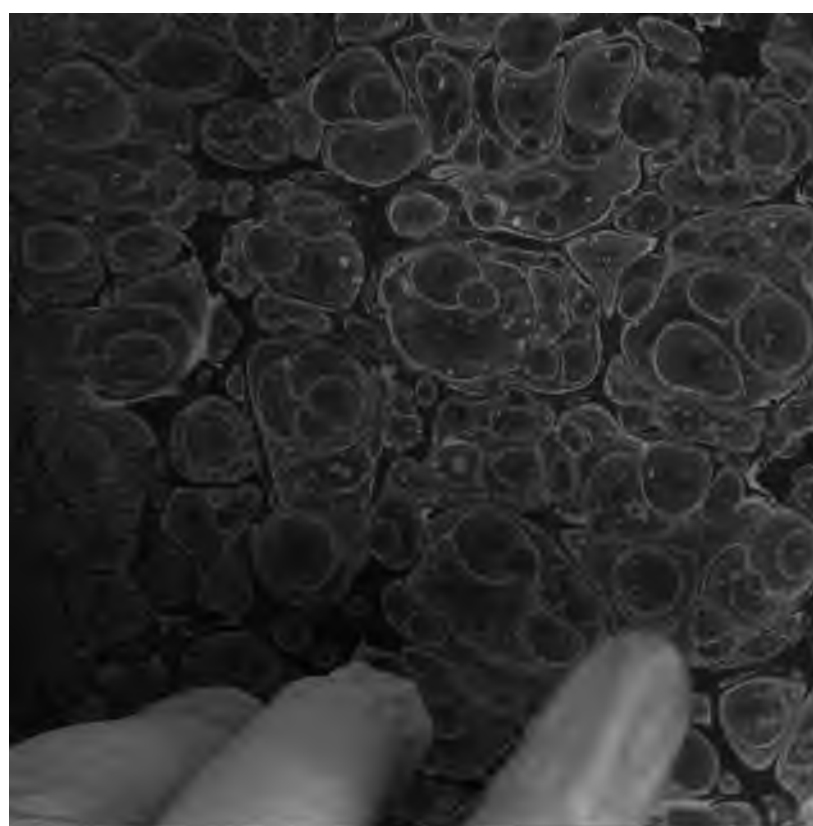
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1. a. 150.

2.

LETTERS

ON

Church Government.

BY

JAMES BERNARD CLINCH.

Dublin,

PRINTED BY GRAINGER AND CAMPBELL, 10, BACK LANE.

1812.



TO THE MOST REVEREND

DR. JOHN THOMAS TROY,

ARCHBISHOP

IN THE ROMAN CATHOLIC CHURCH OF

DUBLIN.

MOST REVEREND FATHER;

IF I consult my own gratitude and long settled veneration, I must admit, that there is nothing possessed by me, upon which you do not hold a principal claim. But the following work is singularly due to you. Its public appearance is owing to your concession
and

and to your encouragement: its subject involves, along with your episcopal right, a disquisition affecting the essence of the new law; whether christianity has or has not been carried on by usurpation and misgovernment, since the disappearance of its Founder; a question, in which the Gospel truth itself is brought to issue, whether its hopes are groundless and its promises delusive.

This work I submit to you, Most Reverend Father, as to my Bishop, unreservedly. In proof of my sincere deference, I repress those sentiments, which I should esteem it base to have dissembled on any other occasion. But I will not praise my judge. That your humility has triumphed over resentments; that your zeal is not fatigued by age; that your paternal kindness is unceasing and unbounded; that your clergy flourishes in reverence, and your flock still prospers in doing good; that you have preserved the faith; these are good titles, but not demanded for my purpose. I appeal not to your personal claims, but to the lasting privilege of your ministry. Of the opinions expressed by me in this work, I approve

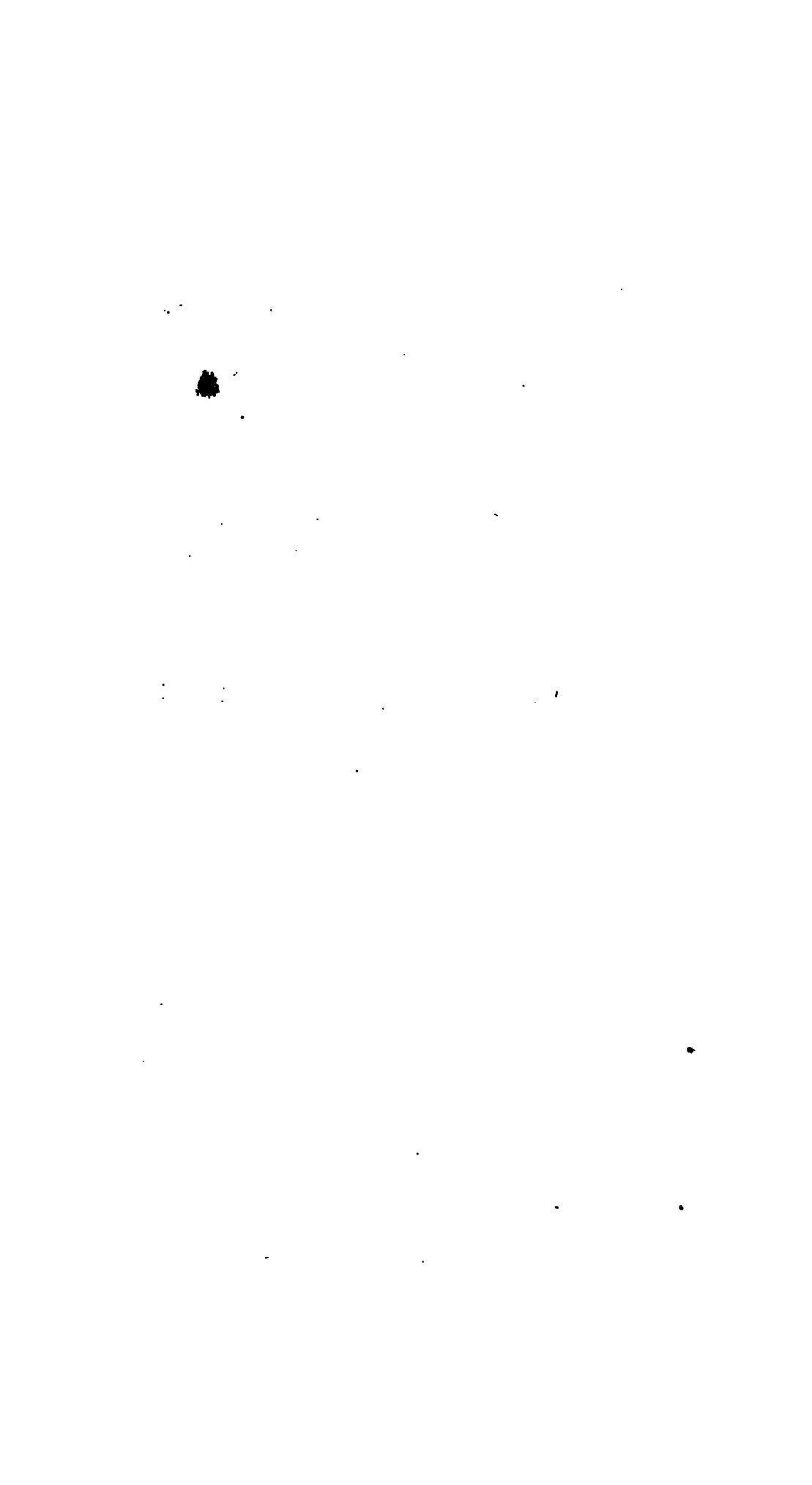
prove or I disavow, such as your judgment
shall declare to be worthy of acceptance or
to be worthy of rejection.

I am,

Most Reverend Archbishop,

Your dutiful servant,

J. BERNARD CLINCH.



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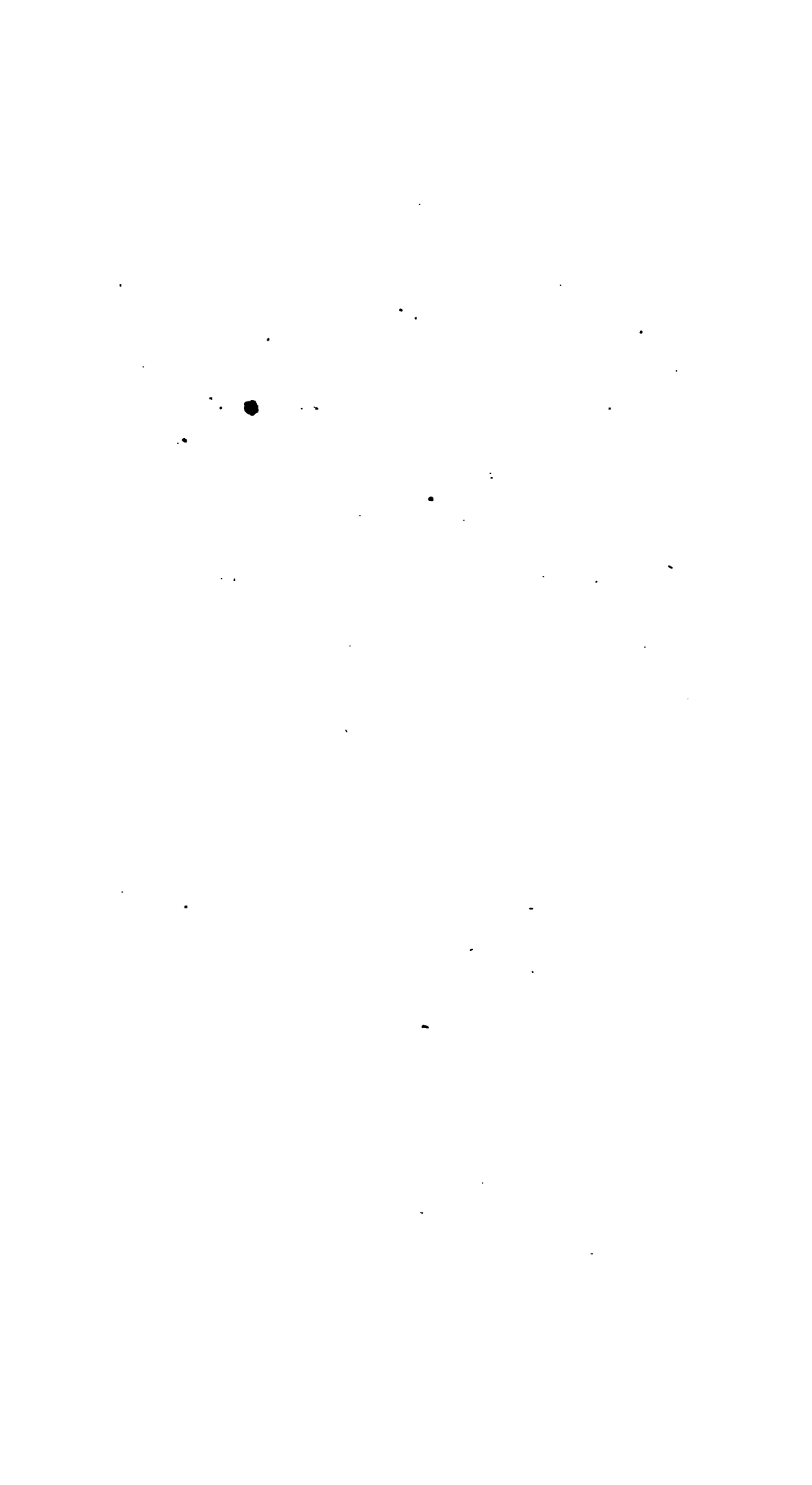
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INTRODUCTION.

THE following series of letters, having insensibly grown into the *evil* of a book, will be thought, of course, to stand in need of a preface. The first point, on which a reader will expect to be satisfied, I presume, is this; by what right I have interposed in a question of church government. I could answer, even by that right, which every man holds, of repulsing an assailant on the peace or morals of society: but I have a particular justification. I appear not uncalled. I am permitted to interfere, by men, whose characters have been dragged to execution, that their tunics of office might be seized upon as perquisites; by the men, who are thus dealt with, under the asserted patronage of a nobleman, and who are thus
misused

misused by a pretended "Irish catholic priest," lest the assault on their function should want the merit of sacrilege, or the attack on their safety the recommendation of parricide.

I am encouraged to appear, not only by catholic bishops, but by men of that "*second order*," whom the pretended catholic priest would enlist. They are not unwilling to be defended against their self-titled compeer. They esteem the priestly vestment good robing enough, and the priestly reverence to be station high enough. They are not taken with the offer of paper mitres and cobweb pontificals, of bishops' scalps and pillaged buskins. By the *promotion* held out, they would gain little respect themselves amongst each other; their parishioners would not know them in the new fancy dress. Besides which, the carnival parade would not survive themselves; unless *Columbanus*, who bestows on them a right to *confirm*, will annex to his bull a right to *ordain*, in cases of extremity.

Let me now be suffered to add, that were I unfurnished with such reasons of defence, as I have alleged, there would still be found in
these

these letters an ample store of excuse for my interference. When the honest reader shall have travelled a little way into the amazing untruths of *Columbanus*, I submit it to his principle and patience, whether a man, having knowledge of such enormous and uniform deception, and observing the deception to have the worst objects in view, was not bound by truth, as he must have been led by indignation, to break silence.

It will be asked, why I still term this man *Columbanus*, notwithstanding the avowal of a certain ecclesiastic, that he himself is the wearer of that name. This I have partly explained in my first letter. I shall now say further, that, when report began to settle the title of *Columbanus* on that ecclesiastic, I had already cast my refutation in its shape against *Columbanus*, and I was determined, as well by partiality as by justice, to persevere, notwithstanding the disclosure: by partiality, because I would remove, as far as possible, an ignominious achievement from a house of Irish veneration; by justice, lest I should betray, through personal feelings, a cause, which I had undertaken to defend against
outrage

outrage the more shocking, as it calculates on the modesty of its victims for their silence, and on the strength of *penal* laws for its own impunity.

For *Columbanus* is not only aware, but *legally* tutored, that if he accused, under the description of *foreign influenced bishops* or of *Castabalas*, all our bishops, not only of the misdeeds and villanies with which he plies them, but of open acts of high treason, or of poisoning, or of forgery, or of projected massacre; those bishops could not possibly seek for redress against him, without averring, that they were *bishops*, and reputed to be such *in our church*; and were appointed in such manner and by such ways, as the Roman catholic discipline ordains; whereby they would not only be put out of court, but expose themselves, at the very least, to the peril of an attachment. This is horrible doing. Lest this should be supposed an assertion of mere inference, *Columbanus*, having argued in favour of the statutes of *premunire*, of which the effect might be now applied to an English Vicar apostolical, and having in his last number attempted to overwhelm bishop Milner

by

in a torrent of leperous ichor, threatens Vicars Apostolical with the *law*, if *he* should be put out of communion, and dares Milner to bring an *action for slander*, without shewing his charter of appointment. I could not reconcile it with my sense of right, to couple a name, which still remains legible on the Milesian cenotaph of Irish royalty, with avowals of such a temper. I could not, on the other hand, dissemble many other more heinously aggravating circumstances apparent from the author's confession or his boasting. Such is my further exculpation; be its value what it may for others, it will be taken for sincere by MATTHEW O'CONOR of Mount-Druid, Esq; to whom I have alluded in the first of my letters.

The *duty* of an introduction is now gone through. The further reflections I am about to make, are not essentially connected with the scope of my letters; although, in some measure, they hold affinity with it; inasmuch as they characterize that spirit of destruction and havoc, which pointed the energies of *Columbanus* against the main props of christian authority. I do not mean to give a review of the multifarious curiosities, which our author

has embalmed and shelved up in his pantographical museum of five publications. His impeachment of Pius VII., as if this holy pontiff had *absolved* the French from their allegiance, and *deposed* the loyal bishops; his impeachment and falsification of the Irish meeting at Tullow; his charge against our bishops, that they did, at Tullow, recognize the pope's *deposing* power, are such things as I will not handle. MILNER has disposed of those questions, as well as of the charge against himself, that he abetted *Idolatry* in South Wales. As to the affair of saint Patrick, it is beyond my means of research. I cannot but admire *Columbanus* for his zeal about saint Patrick; and I will observe, that his discovery of the letters of Gregory of *Iberia*, is a mistake. The former to the letters in question is to *Istria*; the latter is to Ireland; and, by no possibility, could either have been addressed to *Iberia*. If bishop Milner erred, he did so with De Marca and with Usher. Further, I would offer my surprise to *Columbanus* at his discovery, that the letters of his valuable *fac simile* are *Irish* characters; unless *Irish* characters are those used also in Italy, between the

the seventh and eighth centuries. . The anthem or *invitatorium* itself is *Nestorian*, on the face of it. With his *liber diurnus* of Garnier, and his exarchs of Ravenna I have nothing to do. His oath of popes *elect* is antedated. His assertion, that, until the end of the fourteenth century, deacons of the church of Rome, if elected, were consecrated bishops without *priestly* ordination, though stiled an *hierarchical fact*, by our author, in derision of the *Castabalas*, is not a *lay* fact. Two hundred years before the epoch assigned, Innocent III., writes his cotemporary biographer, being elected, when a *deacon*, 6. Id. Jan. 1197, his ordination to the *priesthood* was deferred to the Saturday IV. Temp. 9. Kal. Maij, and, on the following day, he was consecrated *bishop*. There is no authority for the *hierarchical fact*, but the mistake of Eneas of Paris. With his Irish synods, from Irish manuscripts, I have nothing to do. But I am almost compelled to deliver what follows.

The *Historical Addresses* of *Columbanus* have no drift, no meaning, unless ancillary to a conspiracy against Irish catholics. The writer is possibly a mere unconscious tool; but
the

the effect and purpose are bloody. Over and above the *Theology*, which I have crushed, and the antiquarian diving, which I cannot plunge after ; besides the maddened strain of irreverence to bishops, and the hyena-like springing at the throat of MILNER, what else is to be found in the five publications ? Truly, abuse of *popes*, without a syllable of encomium on the many admirable men, who filled the holy see ; by whose uniform excellence of mind an ascendancy was gained in the *temporal* world, which some vile, but few occupants of that see, wielded basely and sacrilegiously, whose memories, on that account, are infamous amongst catholics. *Columbanus*, in his zeal against sin, impeaches the life of Alexander VI. What catholic defends Alexander VI. ? But, in order to vilify, along with Borgia, the see itself, our enemy to vice unburies the skeleton of that wretch, after three hundred years. Now it happens, that Henry VIII. was king of England, and opposed the see of Rome, because affronted in his lust. It happens, that this monster butchered wives, bishops, friends, People ; that he was the ultimate effort of wickedness ; that he is hated by catholics, disowned

disowned by protestants, anathematized from the human species. What does *Columbanus* say of *this monster*, of *this pope*? Of his vices nothing. Of *his ecclesiastical primacy*?—That it was an innoxious and righteous measure. When the doting Paul IV., led astray by old age, constitutional harshness, obsolete ambition and the intrigues of foreign courts, behaved unworthily towards Mary of England, this pope is introduced by our *hidden saint* in the gestures of a superannuated actor. But what of *Elizabeth*, who murdered Mary of Scots, and who persecuted catholics? Nothing, but *good government*. What of the ministers of Elizabeth; of that knot of poisoners, forgers, privy-murderers and ribalds? He *praises* Walsingham, and he garbles a quotation from Cecil, in order to shew the *lenity* of that government; having first suppressed, as if he had had to do with *Scripture*, the acknowledgment of Cecil, that Roman catholics were examined *on the rack*. What of *Campion*, that most elegant scholar, and most affectionate loyalist to Elizabeth, for whose prosperity he prayed at Holbourn hill? That he was a leader of *gunpowder* plotters; as if

Campion

Campion had risen again from the dust, to blow up the parliament. What of that crowd of missionary priests, who suffered under Elizabeth, and with torments? He ridicules the book, which records their deaths: What of the discipline of the catholic church, since the reformation? It is low intrigue, tyranny, despotism, rebellion, bloodshed. What of the reformed church of England, during the same interval? It has preserved the old rules, and is free from arbitrary power. How can he, if a catholic, impeach the *catholic* discipline, as if Christ were not always the inseparable and living head of his church? I know not how to answer, if he be a catholic. But, how does he prove against the catholic church a corruption of discipline? By the testimony of enemies or convicts; although protestants have testified to the contrary. How does he plead for the reformed church? By quoting *its own* assertions, although negatived by protestant records, by Coke, by the long parliament, by Faulkland, by dissenters, by catholics, by quakers, BY THE REVOLUTION. What of Pius VII., who, from his prison, cries out, like John the baptist, against unlawful marriage?

marriage? Bishop *Milner* had called his holiness the *poor prisoner at Savona*. *Columbanus* echoes the words in mockery, as they, who heard *ELI, ELI*, became merry on the jest of *Elias*: he repeats the *poor prisoner of Savona*, and tacks to it an indictment of forsworn atrocity. Such is the historian. Such is the catholic. Such is the *priest*. Such is the man.

He had latterly indicted our bishops: he was informed, that their vindication would appear. If a catholic priest, should he not have been pleased to know, that the bishops would be defended by an advocate, from charges too foul for them to plead to, *viva voce*? So honest men might think. If a zealot for liberty, for justice, for English law, for *canon* law, ought he not to have cleared the way for their *advocate*? Surely; unless his object were to stab, not to reason. Instead of that, our zealot for *Gallican* liberties, our admirer of the constitution, our adorer of English *heavenly* sentiments of freedom, in the plenitude of power and in the fulness of heart, as soon as he knew, that a barrister had undertaken the defence, sits him down to abuse the *advocate*; to prepossess his special jury against the bishops, who would dare

dare to employ counsel; in all the pride of martial law, to declare the catholic emancipation lost, if any barrister could be so vile, so low, so cunning, so much a *devil's lawyer*; as to open the mouth in defence of his prey. I am that vile barrister, *Columbanus*. I am that *devil's lawyer*. You know, that the vulgar nickname imports an advocate employed at the pope's *mill*, to impeach *false saints*, set up by popular credulity, and advanced by railing, and by calling on the *Lamb of God*. You are *the hidden saint*; and of the *three* pretensions you are in full possession of the latter two. I enter now my claim upon you; and, before I finish, I shall restore *to the Devil his own*.

It is hardly credible, that an *addresser* of catholics who would manifest so indecently his bias for the anticatholic side, could have purposed to make on catholic readers any other impression than that of insult. But more is to be told.

in the years 1810 and 1812, *Columbanus* published his two *addressing* historical essays. His text was to shew the calamities occasioned by *foreign influence* in the nomination to *Irish*

sees

sees; and his undertaking required, that he should faithfully adhere to the point, and not wander in gratuitous outrage, beyond *foreign influence* and Irish sees. Yet *Columbanus* introduces the English *Gunpowder* plot. Seeing, that the excursion could not be brought home, by natural connection, to the subject, he joins it by an optical synchronism; namely, by putting it in a note, where he is descanting on the violent acts of Irish catholics, after the accession of James. He informs us, that the *gunpowder* treason was the only *real treason* in that reign; and that Cecil had no hand in the plot. That it was a *real* treason, no man doubts, nor did the traitors deny the treason when about to die. But that Cecil had no hand in pushing forward the design, if not in planning it through the help of Tresham, is what no man will believe. The letter to Mounteagle is alone decisive of a mantrap. But what does our author say to the *pension* granted to Tresham's Widow? For the proofs of this treason he refers us to a book published in 1679. Did he forget, that, in this year, the plot of Oates was in full activity, and that, while the blood of catholics ran, the press was alert in keeping hot the spirit of killing papists?

papists? What can be the meaning of *Columbanus* in drawing forth this tool from the rusty armory of Titus Oates; of brandishing it in Ireland in the glad view of Orangemen? Historical zeal; nothing less: besides historical zeal, the utility of an allusion, that he might be understood, when he tells the enemies of catholics, that episcopal synods may become *gunpowder plots*.

The burden of his song is the massacre of 1641; the coming of Rinuccini; the assumption of Rinuccini to appoint bishops; the misconduct of those bishops; the double breaking of faith with the king's deputy; their exclusive synods; their asserted collusion with Ireton and Cromwell; their offer of the kingdom to Lorraine; their abuse of excommunications, and the pretended consequent slaughter of inhabitants, and final destruction of the catholic cause in Ireland.

Taking all these assertions for truth; granting that each of the charges is a crime as deep and large as the words can imply; that all those crimes are without the excuse of ignorance and without the extenuation of anger; that in every leading circumstance, in every collateral incident they are all damnable crimes; what has
the

the indictment to do with the present case of Ireland? No toleration was then allowed by law. Toleration has been granted by George III. to Catholics. No oath of allegiance could then be agreed upon. An oath of allegiance has sealed the conquest of Ireland. A temporal power over Ireland had been once legally vested in the popes, and was appealed to by the despairing natives. That power is now abjured and exterminated by oaths. The reformed religion was then in arms throughout Europe, and holding forth the gospel as its title to political independence. The Irish catholics thought their own *true* religion as good a title as the reformers' *true* gospel. At *that* time, it was a received and acknowledged maxim on both sides, that christians of the true faith are bound to assist by arms one another, against the oppressors of their common faith. This maxim was pushed to the very utmost in the treaty between Elizabeth and James VI. of Scotland; whereby the contracting parties bound themselves to *make war* on all princes denying the *free exercise* of the true religion, *any treaty of peace or amity notwithstanding*. Such political maxims are now dead and gone. The see of Rome was then the rallying point for catholic establishments

establishments in church and state, against the invading activity of the reformers. But now wars of religion have ceased throughout Europe. The *foreign influenced* bishops, according to *Columbanus*, wanted the temporalities of the sees and benefices. I am not surprised at that. For the dispossession was justified neither by prescription nor by law. I should not be surprised, if, in twenty years to come, some persons should be found claiming the *temporalities* of the late Gallican Church. But now our bishops have abjured that suspicion. At that time, foreign succour was the only hope of the natives against extermination. At the present, domestic concord, constitutional liberty, freedom of conscience, oblivion, forgiveness are the only preventives of subjugation from abroad. Even for *our church* the independence of the British empire is the best safeguard, under which we may hope, that the catholic system shall not be finally enslaved.

I have travelled beyond my studies, and am satisfied to have demolished the haunted castle of the *addresser*. A gentleman every way qualified for the task is to meet *Columbanus* on

on the *historical* discoveries. *Doctor Curry* had written on the subject; it was easy for our addresser to have answered Curry, paragraph by paragraph. This would have brought the business to an issue. A more ingenious resource presented itself to our *Columbanus*; namely, to disparage that work, to nauseate at his stile, to inform the public, that they are about to receive from himself the substance of twenty *folio manuscripts*. Folio manuscripts! Of what hand, of what authenticity, by whom compiled? By the accusers or by the accused? On this he is silent. When *Columbanus* had *councils*, and every-day books to quote, he spares no mutilation, no interpolation, no falsification. Yet *Columbanus* expects credit for his substance of *twenty folio nameless manuscripts*, when he himself holds the Delphic sparrow in his hand. This is a good improvement on the law of criminal evidence. But has he not quoted strong texts? Yes; he has given the words of the *accusers*. Has he cited the defence? Not a syllable of that. Does he bring one text to shew, that the *foreign influenced* bishops were privy, or consenting to

to the murders of 1641? Not a text. He even relates, that in 1643, the council of Kilkenny demanded an investigation of *all murders*. In 1812 he accuses those bishops. They are absent. They are dead.

Why, lastly, is the massacre of 1641, dressed up in 1812, and reproduced on the stage? The centennial jubilee had passed away, half a century since. The manners are changed. The social principles are consolidated. There is now but one faith of the common safety. The great and glorious BURKE may help us to the explanation. In 1790, at Paris, on the stage, and in compliment to the liberality of the times, the massacre of saint Bartholomew was acted: the Cardinal of Lorraine, by a daring *alibi*, was brought out in his robes, *blessing the daggers* and preaching up extermination. With the voice of a prophet *Edmond Burke* denounced, in that tragedy, the design, that afterwards darkened the face of Nature in September 1792; the massacre of bishops and priests. The people had been tutored to contempt, by songs and by caricatures: on the day next after, the Septembrizing deluge of blood

blood, the *Moniteur* justified the act on the score of such dangers, as *Columbanus* has been repeating these two years past, in funereal yell. He too has brought up for the stage and for Irish Septembrizers, such there still are, the massacre of 1641; and he connects it with that of Bartholomew's day. What ensued in France from the revival of that play, we all know, and I shrink from writing. What is to ensue from the play of *Columbanus*? I know not. May God save the country, and may ill recoil on them, if any there be, who take delight in meditations of blood !

ERRATA.

PAGE 3, line 18, *for* artificial *read* arithmetical.—p. 3, l. 23, *read* as it is the divine.—p. 9, l. 1. *for* h's *read* their.—p. 25, l. penult, *for* found, *read* framed.—p. 29, l. penult, *for* authorities *read* authority.—p. 31, l. 3. *for* his *read* its.—p. 37, l. 19, *dele* it.—p. 90, l. 27. *for* with *read* and.—p. 93, l. 4, *for* at *read* of.—p. 139, l. 7, *read* councils for two.—p. 145, l. 3. *for* is *read* are.—p. 159, l. 1, *for* avry *read* vary. l. 23, *read* *apocrypha*.—l. 26, *read* libellam.—p. 161, l. 15, *was* *mulu*.—p. 176, l. ult. *after* derision *add* &c.. Deputies from.—p. 231, l. 2, *read* the newly established.—p. 243, l. 7, *for* this See *read* this System, *ibid.* *del.* as—p. 248, l. 4, *dele* the.—265, l. 27, *read* *vyasaw*.—p. 267, l. 2, *read* become.—p. 316, l. 27, *for* this right, *read* the right.—p. 323, l. 13, *read* *ειδηπου*.—p. 348, l. 11, *read* revolution.—p. 379, l. 4, *read* later.—p. 392, l. 17, *for* not *read* most; *ibid.* *after* them *read* as well as.—p. 397, l. 16, *read* gained.—p. 417 at bottom, *add.* * Polycarp. ad Philipp.—p. 428, transpose back the note to 427.—p. 455, l. 26, *read* Christo.—p. 506 l. 28, *read* *resents*.—p. 512, l. 20, *read* cause.—p. 519, Note, *for* on *read* no.—p. 527, note, *read* alluding.—p. 535. note, l. 3, *for* not only is *read* is totally.—p. 563, l. 10, *read*, Statuere.—p. 661, l. 9, *for* signpost, *read*, saintship.—p. 772. l. 14, *read* confirmetur.

ON

CHURCH GOVERNMENT.

LETTER I.

REVEREND SIR,

IN our late discourse on Columbanus, you professed yourself a convert to *my* opinion of that writer; you thought him to be mischievous; you judged that it would be meritorious to detect him. I answered, that the opinion of *mine*, to which you had lately acceded, was given about sixteen months ago; that it was no sooner uttered than slighted as the suggestion of a choleric, or officious man. For I was then informed that it would be a great misemployment of idleness to further Columbanus into partial notice, and thus to gratify an ambition, which courted celebrity by rioting on the highway. It was added, that wicked as the assault had been, the complexion of his hostility was such as not only to *atone* for the scandal with every man

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who relishes decent English, but with the most uneducated of Catholics, to affix a heavy presumption of evil mind and evil dealing upon his Latin and Irish manuscript quotations.—I reminded you of those reasons formerly alleged to me, and that, in consequence, I did not press my opinion further.

You also mentioned in our last conversation, that you had seen a *second* and a *third* publication by Columbanus; to this my reply was, that I had read a *fourth* letter, and that, if left to my own judgment, I should decide, that Columbanus is a writer, *not* to be answered by *me*: because his fourth letter announces, that a fifth is about to see the light, nor is it possible to calculate in what ratio of exasperation this letter-writing malady will proceed, or at what distance of time it will betoken a crisis. I confessed myself inadequate to meet an adversary so gifted, and most unwilling to stake possibly the entire of my life against the continuance of his disease. This excuse I professed to hold in common with the *many*: but I also shewed a personal claim to exemption. I stated, that when first this author sallied forth, *Columbanus* was the *nom de guerre*, and nothing more, of an adventuring pamphleteer. It was every man's right at that time, to rally or to reprimand an incognito who abused the privileges of masquerade. On this footing I too was willing to challenge the feigned old hermit with the extemporary beard. Soon after, Columbanus was avowed as the motto of an Irish Roman Catholic,—of a priest,—of one possessing a family name, most
popularly

popularly respectable in Ireland; and himself connected in the nearest degree of blood with a person I have long admired; to whose candour, ancient fidelity, and trusty patriotism, I bear a public testimony in honour to unambitious and uncommon virtue. When I stated this, I moreover declared, that although I am not to be deterred by private regards from assisting the cause of truth, yet, if I were to appear against Columbanus, I should be so far swayed by my anxiety and deference for such a brother, that the *right* would be compromised: I must relinquish all those topics which cannot be adverted to, unless with the weapon of severity and reprobation: I must level the answer to mere disproof, as if that falsehood, which attempts to scatter pestilence on the walks of society, were but a mistake in logic, or an artificial blunder.

You approved of my feeling, and insisted, at the same time, on *my* performing what I could, for the defence of truth, that had been assaulted, as I myself confessed, with incendiary malice. You predicted, that my silence would receive no other construction than that of flattery, if called on, as I allowed, by the duty of friendship, and by the voice of conscience I obeyed the former, and yet suppressed a testimony to what I *believed*.

This surmise I instantly determined to repel. This charge, at least, will be obviated in the present and the following letters. Whether I shall succeed beyond this point, others will determine; but your

judgment shall be enough for me. This however I will declare; unless I shall have vindicated the best of causes, I will care nothing for the justification of my name. Well may reputation be entrusted to that, in which all our futurity is comprehended.

I shall begin therefore with that assertion of *Columbanus*, which, if not the most alarming, is the most whimsical of his numerous discoveries in the province of Catholic religion. I mean his assertion, that “priests of the *second order* have a *right to sit in councils and to judge of faith and discipline*.” This doctrine he has continued to maintain, from the beginning, with a respectable courage and with no mean display of controversial tactics; sometimes asserting the right to priests *generally*, (as we affirm it to be *generally* that of bishops;) again, restraining it to *parish priests*; at other times declaring it to be a *divine* right in priests; and lastly, pronouncing, that “priests of the *second order in the cure of souls*, have the *right*.” for which he contends.

Although *Columbanus* may not now expressly term this right *divine*, as he formerly declared it to be; yet his proposition either amounts to *this*, or all controversy on the subject is at an end, as I will shew hereafter. For the present, I will merely remark, that, even in this his *last* production,* the arguments of *Columbanus* are either meant to shew this right to be *as divine in priests*, as in bishops, or that they have no meaning whatsoever.

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* *Columban. 4th Letter p. 45—6.*

It might appear disrespectful towards a Catholic bishop, were I to enter on this examination without mentioning the name of Doctor Poynter, who has already encountered the new *Columbanus* on this subject, and to whose short but demonstrative essay the last letter of *Columbanus* professes to reply. I entirely assent to the positions of Doctor Poynter, and, in a good measure, have followed his plan, as indeed was inevitable. Besides this acknowledgment, which I respectfully make public, I mean to enter into a minute review not only of the defence set up by *Columbanus* against Doctor Poynter, but also of such new matter as *Columbanus* has adduced, in vindication of this peculiar doctrine.

In truth I regret that Bishop Poynter should have restricted his labours to the narrow scope of this one topic. There exists not in the christian system a principle more solidly fixed, or more potently efficacious, or more favoured by all the social tendencies of this immortal system, than the legislative and judicial right of bishops. This chieftaincy is not the result of wealth, nor the offspring of ambition, but the necessary consequence of Unity, as well as the divine institution of the New Law. No antiquarian researches can affect this authority; nor can any revolution overthrow it, without overwhelming, at the same time, the secondary magistracy of the *Priesthood*. The experiment was made in France, and how it terminated we all remember.

To

To return to *Columbanus*. This gentleman avows himself to be a "priest of the second order," and it would appear, that he has resolved to prove his *divine right* of judging on *faith*, by a very *human* matter of *fact*. "Until I see," writes *Columbanus*, "that doctrine condemned by a *genuine* decree of the Catholic church, I shall hold the *contrary* to be *heretical*!"*

This is falling to sword-work rather briskly. What! not even call a synod of *the second order of priests*, before he pronounced on the point of *faith*! Surely, if the *second order* has a *divine* right, or any *inde-feasible* right of *judging* on *faith*, their single votes are severally as good as the single votes of bishops; so that, to gather a *council* is one of the easiest things imaginable, under the new spiritual commonwealth. But this severity, on the part of *Columbanus*, is one of the symptoms attendant on a shifting of the sovereign power. In self-defence we are therefore compelled to withstand the invaders of Episcopacy, until we shall, at least, have ascertained what *magna charta* they will grant, to secure us from extemporary maledictions.

I cannot however, be so unjust an adversary, as to refuse my humble tribute of admiration to the Fabian stratagem of *Columbanus*, in declaring as he does, that he will hold the *contrary* doctrine, as he terms it, heretical, until he can see a *genuine* decree of the church, condemning his own assertion. The stratagem is admirable: for it entitles *Columbanus* not only

* *Columbanus*. 4th Letter p. 46.

only to stand at bay against all the Catholic bishops in the universe on *this* question, but on every *other* question of faith, to the end of time. Let us suppose a thousand bishops to have condemned the doctrine of *Columbanus*: Still, nothing has been done towards a *genuine* decree of the Catholic church, on a question of this nature. For, the *heresy* against which *Columbanus* proclaims war, is the *exclusive* prerogative of bishops to decide on points of faith; and it would be strange enough, if persons, not only excepted to, as *sole* judges, but accused on the very ground that they usurped the right of *sole* judges; it would be strange, I say, that those very men should *solely* pronounce a *genuine* decree for *Columbanus*, who denies their *sole* power to decree on any matter of faith.

But even suppose that the "second order of priests" has accepted, as *genuine*, the decree of these *thousand* bishops; would not this be decisive? With the world at large it might: but in the argument of *Columbanus*, this assent would be *heretical*. Why so? Because in *his* assertion, the "second order of priests" having a *divine* right to *sit* and *judge* in *council*, on the very point so decreed by the bishops, and every *divine* right including a *divinely* binding obligation, consequently the *acceptance* of "the second order of priests," importing a violation of their duty to "sit and judge," would be a manifestly null and irreligious act. Besides which, how many reasons could be adduced to shew, that their acquiescence had been venal, sycophantic, pusillanimous; or had been de-
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terminated by any other one of those very many low qualities, with which *Columbanus* compliments our Irish-bred priests, who notwithstanding have, according to *his* authority, a *divine* right of judging on faith; aye, on the faith of their bishops, in councils?

Still assuredly a *genuine* decree on the point may be obtained, if "the priests of the second order" and "exclusive," bishops, will *consent to meet* in synod, and there to discuss the matter. Unhappily, we have here nothing but perplexity and desperation. For, in the first place, it is much to be apprehended, that the "exclusive" bishops would not compromise their *possession* of 1700 years, (whatever the right may be, because of the *right* we will treat at length) for the chance of obtaining a favourable *sentence* from the *Columbanian* judges. Secondly, because, if the "second order" affirmed the right to *themselves*, and the "exclusive" bishops disaffirmed that *genuine* decree of the "second order," there would arise a case, not foreseen by *Columbanus*, wherein the *ignorant* Catholic, in *his* persuasion, that the kingdom of Christ cannot be overthrown, would rally under its first authorities. If, in the shock of the old authorities against the new, such an exasperation should be produced, as that those "exclusive" bishops, whose right to *judge* is a *little* better established than that of any others; if these bishops should unluckily condemn the *genuine* decree of their new colleagues; if they should proscribe it; if they went so far as to create a new "second order of priests," in number
equal

equal to, or surpassing his new *associates* by the grace of Columbanus: I am at a loss to know by what methods of defence the "second order" so superseded by the "exclusive" bishops, could, in this extremity, either maintain their "divine right," or perpetuate their claims.

Let it not be retorted, that the degradation of the "second order," which I suppose, would be a nullity, because the "care of souls" *could not* be lawfully transferred to the new generation of priests. I admit, that such an argument might be recurred to by the followers of *Columbanus*. But then the reply would be at hand, and would be this. "The care of souls is given to priests, either by bishops, or through the essential mediation of bishops. The bishops *alone*, even in the system of *Columbanus* are the judges of priests. The bishops *alone* can depose priests. Now the bishops have deposed their late competitors; and, by necessary inference, they have taken away from them "the care of souls."

The objection I have last refuted, being the only one which a man could allege without mockery in opposition to the authority of the bishops, if these latter were compelled to separate the "living from the dead;" I think it right to enlarge somewhat on this consideration, and to prove superfluously from a general principle what I am about to prove circumstantially, that the pernicious dream of an inherent right in priests "of the second order" to *sit in councils* and to *judge* on faith and discipline, gives the *lie*, to its very teeth, to christianity.

Let then the "second order of priests" be supposed to challenge a trial on the *lawfulness* of their deposition. What judges will they appeal to? Not I presume, to the laity, who are their subjects; not to the inferior clerks, who are their children; not to the subdeacons, who are deputies and ministers to the *deacons*; not to deacons, who, by most ancient and highly authoritative canons, are declared their *inferiors*. They must appeal to those *very bishops*, those "exclusive" bishops, with whom they are at issue. Is not this a strange catastrophe? Is not this a strange declension of a *divine right*? Again, as the pretension of this "second order" is entirely novel, the burden of proof will lie on the *priests*. But alas! no proofs are to be had of this right. No title, even possessory can be alleged. It remains, that they must fail in the trial, if they will challenge one. If they refuse a trial, they perish without a trial, and their posterity are cut away: for "woe to them who will perish in the revolt of Core!"*

Lest I should be charged with omitting any possible termination of such a *council*, as alone would have *genuine authority* in the mind of *Columbanus* to decide on this subject, we will even grant, that the "second order of priests," sitting in council with the bishops or separately assembled in a council of their peers, has *judged* and *decided*, that the right of judging on faith belongs to the bishops alone. Such an event as this might be desirable indeed, after so extravagant

* a deliberation ;

* Epist. Jud. v. 11.

a deliberation ; but the argument of *Columbanus* would not be impeached, much less could it be silenced, by this decree of “ the second order.” For although he asserts for priests the right of judging “ on faith,” he does not pretend that the judgment may not be very erroneous ; if erroneous, it cannot abolish the right of the “ second order,” however it may operate as a temporary cession to the bishops from the priests who had abdicated. Neither can such a decree receive any strength from, or add any authority to the “ exclusive” bishops, for these manifest reasons. First, because the bishops could not accept of a cession so made by men who never held judicial power in the church, as imparting to them any authority ; but would boldly stand on their old prerogative : secondly, because the declaration by “ the second order,” that the *priests* are neither judges of faith in councils, nor *the* judges of faith out of councils, would go merely to disclaim a title, but beyond this, could have no weight whatsoever in declaring amongst whom “ the real judges of faith ” are to be found. If it be a matter connected with faith to ascertain, *who are the judges of faith* ; and if the priests of “ the second order ” should have solemnly decreed “ that they themselves are not the judges of faith ; ” their own incompetency, beyond all doubt, is established, in every matter that regards the power of ultimate, unerring, or safe judgment, for the faithful. This incompetency being established by their solemn confession, by what authority will they next pretend to

direct christians to that, which is the *real* judicature on points of christian doctrine ?

Thus, it appears, the priests " of the second order " by following the *angry* paradoxes of *Columbanus*, would not only commit themselves in an irreverent and miserable struggle, but would forfeit under the most favourable and honourable termination of their claims to rivalry, what they now possess justly, immemorially, and from apostolical origination, the *proximate* right to that of being the judges of Catholic faith and discipline. In the Catholic system their dignity is *only* less than that of governors of the universal church. Of ruling power they hold those departments, which are most sacred, most endearing, most popular, and most highly reverend. In the Catholic system, what christian does not venerate a priest ? What christian would conceive an atom of reverence added to the priestly character, by the change of priest to " priest of the second order," a phraseology raked up from the old ecclesiastical armoury of Greek and Latin, and, if faithfully translated into English, signifying those of the " secondary seat " and those of the " lower bench ? "

Without supposing any *council* such as that looked for by *Columbanus*, I will suppose, all the priests in the christian world to be assembled on this very question, and, before they proceed to argue or to decide on the subject, that some one of their colleagues addresses them to the following purport.

‘ Reverend

‘ Reverend brothers ! Before you take the station
 ‘ of judges, to pronounce on your right of judging, as
 ‘ opposed to the right of bishops : before you decree *for*
 ‘ yourselves, or *against* yourselves, I beseech you to
 ‘ consider, that in either alternative you must expend
 ‘ all your authority on the experiment ; and that, in the
 ‘ event of your decree being in your own favour, you
 ‘ will enact a *new* article as of faith, by a *new* au-
 ‘ thority ; to which authority the christian world is
 ‘ yet a stranger, and you yourselves are strangers.
 ‘ When you entered this place, I solemnly ask the
 ‘ question, was any one amongst you conscious to
 ‘ himself, that he held by inheritance or by conquest
 ‘ the right of pronouncing decisively on this question ?
 ‘ Has any one amongst you ever decided as a judge
 ‘ in any council, on any point of catholic faith ?
 ‘ Has any one seen that priest, or read of that priest,
 ‘ who had sat in any council and pronounced as a
 ‘ judge on faith in right of his priesthood ? Not one.
 ‘ If this be the fact, attend, reverend brothers, to the
 ‘ *inferences*.

‘ The Catholic church cannot fail in justice, or in
 ‘ judgment, or in truth, because the Paraclete Spirit
 ‘ was promised, who judges the world on these things.
 ‘ This Spirit has hitherto judged *without you* : you
 ‘ have *heard his voice*, although whence he came, you
 ‘ know not. If you entertain the question of *your*
 ‘ right to judge, you impeach all the past decisions made
 ‘ by episcopal authority ; that is to say, you assail
 ‘ the corner stones of gospel faith, in order to further
 ‘ a pretension

‘ a pretension which to the great Many of christian
 ‘ catholics will be matter of scandal ; which will be
 ‘ matter of shame to the wise, as well as of derision
 ‘ to the bad.

‘ Do I appear, reverend brothers, to betray the
 ‘ honour of our class, when I speak thus freely ? From
 ‘ *our* college many great lights of the world have
 ‘ proceeded, I know ; but from the college of deacons
 ‘ the first of martyrs came forth, powerful in words
 ‘ and in prodigies. The question is not therefore a
 ‘ question of deserts, or of grace, but of lawfulness
 ‘ and of jurisdiction. It is not a question of mira-
 ‘ culous gifts, or of occasional or extraordinary ho-
 ‘ lineess, but of evangelical and perpetual government.
 ‘ Have the apostles left successors, or have they left
 ‘ none ? If they have left successors, shall not *priests*
 ‘ obey them ? If they have left no successors, then
 ‘ the supplication of Christ who demanded a Com-
 ‘ forter *the master of all truth*, to remain with his
 ‘ *apostles* everlastingly, has fallen away ; and it will
 ‘ be idle to treat of *our* rights, since the foundation
 ‘ of all truth is said to be vain, and since the word of
 ‘ *him* has passed away, who upholds all things by his
 ‘ word.

‘ But with regard to our present meeting, of
 ‘ which the object is to embattle this order against
 ‘ the “ exclusive ” bishops, (for whatever the issue of
 ‘ your *council* may prove, the attempt to deliberate
 ‘ independently of them, perhaps *adversely* to them,
 ‘ is an attempt to set your chairs against the twelve
 ‘ thrones)

‘ thrones) I truly fear, that the more we seek or
 ‘ affect an importance *separately* from them, or not
 ‘ subordinate to them, the more we shall hurry to
 ‘ our own extinction. It is allowed by us all, that
 ‘ every bishop is a *priest*, as truly as each of us here
 ‘ assembled as priests. Considering bishops as *priests*,
 ‘ we should rather seek to exalt our common dignity
 ‘ by reverence towards them, who are the depositaries
 ‘ of all priestly function, than to cast off the nobility
 ‘ belonging to our class, in attempting to put down
 ‘ the supremacy of bishops. To put down this su-
 ‘ premacy, we should call in the laity and inferior
 ‘ clergy for auxiliaries: if by such aids our right were
 ‘ established as *divine*, I should be glad to know, by
 ‘ what aids we could afterwards defeat the claims of
 ‘ the laity and of the clergymen now below us: for
 ‘ they in their turn would certainly insist on *their* di-
 ‘ vine right of judging. If they should insist that
 ‘ there are scripture-texts to *prove* the *church* to be the
 ‘ judge of persons and things; and, that *church* sig-
 ‘ nifies congregation; if they should assault our ears
 ‘ with the arguments of Quakerish and Anabaptistical
 ‘ theologians, all taken forsooth from the *bible*; in
 ‘ what way could we defend our *new* royalties against
 ‘ these insurgents? Is it by urging that *their* claims
 ‘ are without foundation in the practice of the chris-
 ‘ tian or universal church? Could *we* have the face
 ‘ to tender such reasoning to those very men, who
 ‘ had seen *us* deride the same argument, when ad-
 ‘ vanced against *our* revolutionary pretensions?

‘ But

' But then, "the acts of the apostles are clearly on
 ' our side," as we are informed by some amongst our-
 ' selves. The text, says one of my reverend brothers, is
 ' so plain, that no rational person will gainsay it.—The
 ' text declares, that, in the council of *Jerusalem*,
 ' "the *apostoloi* and *presbyteroi*" sat as judges, and
 ' there can be no doubt that we "priests" are the
 ' successors of those "*presbyteroi*." Beware, reverend
 ' brothers, of risking your authority on this text.
 ' Beware of deciding, as a matter of faith, that the
 ' *presbyteroi* were your predecessors, and were "priests
 ' of the second order." If you should be so rash as
 ' to decree this to be "matter of belief," you must
 ' expect to be interrogated, by whom, and at what time,
 ' and for what purpose, and by what ordination,
 ' those *presbyteroi* were appointed "priests of the
 ' second order:" and your answer must be very cir-
 ' cumspect, because the *acts* and the *gospels* are ut-
 ' terly silent on these points, which however are es-
 ' sential in your cause. But this is not all. You
 ' will be required to demonstrate, that those your
 ' predecessors, as we are told, were all "priests of the
 ' second order:" that not a bishop was to be found
 ' amongst them. You will be teased to declare,
 ' whether those *presbyteroi* were parish priests, or
 ' priests at large, or a sort of *capitular body*, esta-
 ' blished in the church of Jerusalem. You will be chal-
 ' lenged to shew, that they were not the local suc-
 ' cessors of those *apostles*, who had gone forth from
 ' Sion, bearing the new commandment: and perhaps
 ' you

‘ you will be asked, whether it is probable, that the in-
 ‘ stitution of deacons being so distinctly related in the
 ‘ *Acts* ; the institution of “ priests of the second order ”
 ‘ should be totally omitted from the new testament.

‘ I have named but few of the many difficult pro-
 ‘ blems, you will be importuned, my reverend brothers,
 ‘ to solve, if now you shall think yourselves called
 ‘ upon to decide as *judges* on this very important bu-
 ‘ siness ; if you will persuade yourselves to be of
 ‘ the number of those *judges*, whom the Judge of
 ‘ the living and the dead has established, ordained,
 ‘ consecrated, and deputed, to the end of time, as the
 ‘ guardians of his oracular traditions. If they are
 ‘ frail, let us not therefore doubt of *his* promise, for,
 ‘ “ by the infirmity of man the mighty purpose of
 ‘ Christ is accomplished.” If they are ignorant, (for
 ‘ it seems to be my duty in this place, reverend
 ‘ brothers, to assume, that we are all wise and
 ‘ learned,) yet if God has sent them over us, shall
 ‘ we not attend to Jeremiah the prophet, who pro-
 ‘ fessing his ignorance and muteness, received this com-
 ‘ mand : “ Say not, that thou art childish and im-
 ‘ articulate ; for to every end whithersoever I will send
 ‘ thee, thou shalt go ; and thou shalt utter every parti-
 ‘ cular, which I shall speak to thee.” In conformity
 ‘ with which precept, even HE who is the introducer
 ‘ and the final accomplisher of our faith, enjoined his
 ‘ apostles not to think in what manner they should speak
 ‘ in times of peril, because the Spirit of his Father
 ‘ should speak in them without human preparation.

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‘ By

‘ By what title have we gained admission to the
 ‘ authority which we hold? by what pretext would we
 ‘ attempt to mount the chair of judicial power? By
 ‘ our *ordination* surely, or by no title. And what
 ‘ *judicial* powers have we received through ordina-
 ‘ tion? We have received the greatest in value,
 ‘ though not the most ambitious in universality. We
 ‘ have received those powers which Christ himself
 ‘ during his earthly pilgrimage exercised, as the
 ‘ powers of a *Saviour*; such power of loosing sins, and
 ‘ so great a power of binding them fast, that the
 ‘ doom of our humble ministry is confirmed above,
 ‘ not by mere acquiescence, but in force of *his* im-
 ‘ mortal compact with the church, who is the Lord
 ‘ of both worlds. Is it not enough for us to hold this
 ‘ transcendant power, which angels have not been
 ‘ called to exercise? Must we also clamour to en-
 ‘ force a right, for which we received no mission;
 ‘ which was solely exercised by those who *sent* us;
 ‘ and which if we now usurp, we will incur the peril
 ‘ of lying to the Holy Spirit, whom we attested to our
 ‘ faithful discharge of the *mission* to be imposed
 ‘ on us?

‘ It may be said, that we are called on merely to
 ‘ pronounce, that we “the priests of the second
 ‘ order” have a right to sit along with the bishops, as
 ‘ judges of faith; but that, on no other point of faith
 ‘ do we pretend to be the sole judges. This I con-
 ‘ sider, reverend brothers, as a sophism unworthy of
 ‘ an honest man, and contemptible to a gross degree,
 ‘ for

' for the rational christian. For, if we "priests of
 ' the second order," assume the novel right of de-
 ' claring, as sole judges, on our own privilege of as-
 ' sessorship, have not the bishops *as priests*, a co-
 ' equal right to judge that mere priests have not
 ' a right to decide on this point? and have they not
 ' also as governors, as the executive powers of the
 ' catholic church at least, a presumptive right to with-
 ' stand the consequences, which we would infer from
 ' our own decision?

But a greater fallacy than that which I have
 ' mentioned, still lurks under the assertion.—The
 ' region of faith is one and undivided. He who is
 ' *divinely* established as the ordinary judge on any
 ' *one* point of faith, is divinely established as the
 ' ordinary judge of faith universally. Why will
 ' we pretend to be sole judges on this *single* point?
 ' Because, it will be said, our rights are invaded. Our
 ' rights! From whom received, by whom bestowed,
 ' from what scripture, from what tradition, from
 ' what practice? Is *our* existence necessary to the
 ' Catholic church, unless for unity and for subordi-
 ' nation? Would it be so very laborious for those
 ' bishops to supersede us by consecrating bishops, and
 ' by appointing *little districts* for episcopal government,
 ' as in the beginning, instead of parish priests and
 ' parishes? Our order became necessary, when it
 ' became necessary that some should merely *perform*
 ' sacerdotal functions, and that others *being priests*, like
 ' us, should possess the fulness of priesthood, and the
 ' authority of judging over the world at large. When

' this advantage of subordination ceases, our order
 ' may well cease. It is an emanation from the pleni-
 ' tude of apostleship. It has no generative energy
 ' proper to itself. We pretend to *sit* as independant
 ' judges on our catholic right to *sit* in councils. No
 ' bishops, in the first ages, attempted this, without the
 ' consent of a Metropolitan; as no synods, attempted
 ' to legislate in any point of faith, without remitting the
 ' ultimate confirmation to an apostolical see. We
 ' are grown more independant than those early
 ' bishops; and still are tempted to deliberate, whether
 ' our right of independant judging is not to be de-
 ' creed of *divine* authority; as if there could be
 ' divine authority in the christian religion, without
 ' the will of Christ, or as if his will could be found
 ' without the records of the gospel, and without the
 ' practice of the apostles, and without the acknow-
 ' ledgment of the Catholic church, from the first, until
 ' the present day.

' There will be found amongst you, Reverend
 ' brothers, not a few of tender consciences, whom I
 ' know to be assembled here under the lure of this
 ' argument; " We would have applied to the bishops
 ' for a decree on this point: but knowing that *they*
 ' would *not* consent, we have been forced to deli-
 ' berate sole." That the bishops, if applied to,
 ' would have refused to decree that which you would
 ' pretend to decide apart from them, I believe; more-
 ' over I am certain, that, if " our second order" had
 ' applied in the earliest times, after the translation of
 ' the

‘ the church of Christ to the Heathen, for such a
 ‘ decree, not only a refusal, but a severe canon would
 ‘ have been provoked by the application ; just as might
 ‘ have happened, if the order of *deacons* had applied
 ‘ for the authority of consecrating the eucharist, or if
 ‘ the laity had applied for the privilege, which Simon
 ‘ wished to purchase, of bestowing the Holy Ghost by
 ‘ the imposition of his hands. In either case, the
 ‘ bishop would certainly have answered, “ You have
 ‘ no partnership in this concern.”

‘ I will go further. If the bishops could be so weak or
 ‘ so wicked as to accede to your demand, I would pro-
 ‘ nounce them sacrilegious deserters. They are conse-
 ‘ crated to the Holy Spirit for preaching the gospel, and
 ‘ to them, as replacing the apostles, Christ himself con-
 ‘ fides the authority of the gospel, and, with this trust,
 ‘ he commends to them the keys of his own dominion.
 ‘ The bishops are bound to guard the door : they are
 ‘ sworn to preserve the oracles : they are consecrated
 ‘ to rule and to guide all orders in the church. If they
 ‘ should violate their trust, if they should abdicate their
 ‘ mission so far as to admit *other* judges, not as con-
 ‘ sulters, but as having authority to promulge or to
 ‘ enact, in the name of Christ, any the slightest ordi-
 ‘ nance, and to enact such ordinance independently
 ‘ of their own episcopal authority they would commit
 ‘ a crime in my mind, for which they should be
 ‘ deposed by their lawful judges ; and I do not think
 ‘ that, in justice, they could retain their seats.

‘ In the primitive church, it is said, that every
 ‘ thing was transacted by bishops *in council*,—we are
 ‘ told

told, that no spirit of *exclusive* government was
 known or allowed in those happy times; that bishops
 were then humble indeed, and disdained not to take
 information from the assembly of priests. To this
 moral reflection my answer shall be very brief, re-
 verend brothers.

The greatest virtue in a bishop is humility. In
 the funeral oration of Ambrose on Theodosius the
 emperor, it is expressed, that this emperor in *hu-*
mility had surpassed even bishops. But when we
 speak of humility, we speak of condescension below
 positive duty. We speak of what is perfection, not
 of what is law. When therefore we recur to these
 happy ages, when bishops disdained not to tran-
 sact every thing by *council*, we revert to those
 times, in which bishops stood not so much on the
 right of government, as on their prerogative of ex-
 ample. Even in those times it could not have been
 a duty in bishops to refer all matters to a council,
 much less could it have been a duty of *divine* enact-
 ment, if this laudable conduct was a demonstration
 of their *humility*.

But I will allow the fact to be such, although I
 am persuaded the fact was generally, not as stated.
 This being granted, I say, that since those happy
 times are changed as well for priests as for bishops;
 since "our second order" seems willing to cast off
 that humility which they exact of bishops, and to
 convert the precedent of condescension into an im-
 perious claim of right; it behoves the bishops to
 resist with similar weapons, and to bear testimony
 to

' to their own *divine* mission, which must be humble
 ' to the humble, and must be authoritative against
 ' the proud. For the place of episcopacy is not the
 ' property of the incumbent: it is the chair of the
 ' apostolic teacher. This chair, even the bishop, who
 ' cannot *fall* is bound to *occupy* and to defend; for
 ' though he himself be an unworthy occupant, it is
 ' not the chair of Moses he possesses, but the seat of
 ' Christ: which if he should surrender to rebellion,
 ' he commits the greatest of all crimes, that of apos-
 ' tasy from the sanctifying Spirit, and of surrendering
 ' the weapons of divine mercy and justice. Little
 ' does it matter into what hands he betrays the gospel;
 ' and the gospel he betrays, when he gives up its au-
 ' thorities into strange hands.

' Indeed, reverend brothers, I must be candid. In all
 ' these allusions to *ancient humility of bishops*, in all this
 ' dissimulation of *recent arrogance in certain priests*, I
 ' see nothing of the spirit of Christ, which is peace, and
 ' unity, and charity that "exacts not its own." To flatter
 ' men is not the province of a minister of the gospel.
 ' Bishops may presume, and priests may rebel, on
 ' both of whom the great Bishop of souls will pro-
 ' nounce. But if we seek the things of Christ, instead
 ' of exploring a fabulous and unsubstantiated claim, we
 ' will be wise so as to be sober, and will consider, that
 ' as long as bishop and priest are unanimous, the
 ' authority descends *undivided* to the faithful, whereas,
 ' if priest opposes bishop in point of episcopal right,
 ' or bishop opposes priest in the salutary exercise of
 ' his

' his priestly dignity, the Holy Spirit of peace suffers
 ' anguish, and both bishop and priest lose a great
 ' portion of reverence in the collision of titles. You
 ' never can succeed in establishing your claim as a
 ' *right*: you never will succeed in deposing bishops
 ' from their succession, nor apostles from their master-
 ' ship, nor Christ, their ordainer, from his empire.
 ' You may be mischievous, but you cannot be suc-
 ' cessful;—you may persecute, but you cannot replace
 ' those men by persecution.

' Lastly, should you be resolved to decree for your-
 ' selves on this point, as soon as you have passed your
 ' decree, you will find yourselves reduced to confess its
 ' absurdity. If you have any authority to decree, under
 ' the law christian, you must also have some mean of
 ' enforcing your decree, and of legalizing it amongst
 ' christians. If you have no such resource, on *your* side,
 ' while the "exclusive bishops" have every resource of
 ' church authority for asserting *their* claims against
 ' yours, think what your situation will be. You have
 ' no right of cutting off a single Catholic from the
 ' communion of the church. You have no rod for
 ' punishing disobedience by inflicting spiritual disa-
 ' bilities. We have no right, reverend brothers, nor
 ' have we ever had the right of declaring the orthodoxy
 ' of any catholic, beyond the sphere of our several
 ' districts. If then you will *decree*, your sentence may
 ' be disobeyed with safety; it will not be obeyed
 ' with impunity. If you are prepared to swallow this
 ' other "article of faith," that the Author of religion
 ' has

‘ has imparted to *our* class the right of judicature,
 ‘ *without the power* of enactment, *without the sanction*
 ‘ of penalty; whereas he has given to bishops not
 ‘ only all the rights which we possess, but all the
 ‘ weapons of jurisdiction which a spiritual kingdom
 ‘ can employ; if believing thus, we can imagine,
 ‘ that our *judgment* is not subject to be controuled or
 ‘ annulled by theirs, whose judgment can bind our
 ‘ persons; depend on it, my reverend brothers,
 ‘ neither bishops will allow us to indulge in this ima-
 ‘ gination, nor will the Catholic people give it any
 ‘ great encouragement. I see nothing left for us, in
 ‘ the desperate situation into which our decree, as-
 ‘ serting as catholic doctrine, our right of judicature
 ‘ will lead us;—I see no remedy but a pitiable re-
 ‘ tractation, and I pray God that our venerable order
 ‘ may never incur this humiliation. But, unless we
 ‘ obviate the disease, we must submit ourselves to the
 ‘ remedy, or else we must prepare to fight the epis-
 ‘ copal sentence, with a sentence of our own against
 ‘ bishops. If there are any amongst you, reverend
 ‘ brothers, who believe in the right newly broached,
 ‘ as of apostolical jurisdiction;—as ever known or
 ‘ practised in the church, such persons will not be at
 ‘ loss for shaping the judgment of *our* order against
 ‘ the *tyrannical* bishops. For my part, I have looked
 ‘ for precedents in vain. I know not in the name of
 ‘ what God, or by the authority of what Christ, your
 ‘ *dogmatical* censure of bishops could be found. This
 ‘ however, I know, that, if you do make the attempt,

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‘ you

‘ you will abjure by the fact, your own ordination ;
 ‘ you will have no mission through these bishops.
 ‘ Will you take it then from the people ? I think not.
 ‘ Will you derive it from Christ ? You cannot. Where-
 ‘ fore I oppose the attempt of our order to sit, de-
 ‘ liberate or decree on this point of your assessorship,
 ‘ as without foundation in holy writ, without any
 ‘ warrant from tradition, without an instance in
 ‘ history, without any sanction from practice. I
 ‘ oppose it, as I would oppose the attempt of a new
 ‘ christianity, and I beseech you “ to hold fast what
 ‘ you possess, lest any others gain possession of your
 ‘ crowns.”

If in a council of priests “ of the second order ” a
 protest were entered to this effect, I think it would
 puzzle the agitators of the meeting to explain away
 those common and intelligible truths, which have
 been lately stated. But *Columbanus*, it will be said,
 has not argued in this *general* way. *Columbanus*
 brings text, and page, and line, in order to shew,
 that priests “ of the second order ” are judges of faith
 and discipline, in councils. I allow, that *Columbanus*
 does not argue in a *general* way. I admit that he
 has abstained very wisely from tendering any general
 principles, on this subject, or any principles whatso-
 ever. I am therefore ready to prove, that *Columbanus*
 has not adduced any one text of authority to shew,
 that “ priests of the second order ” as such, have the
 right of sitting in councils as judges of Catholic faith,
 either by divine, apostolical or ecclesiastical institution.

To

To cut off all impertinent altercation on this subject, when I deny that "priests of the second order" have a right to sit in councils and to judge of faith and discipline, it is not the fitness of their presence, in any councils that I oppose, but the *necessity* of their presence: it is not their *speaking* in councils, nor their interference, when called upon by the bishops, I oppose, but their *right* to speak and to interfere in councils, independently of the call of the bishops, who are governors of the church. When I say that "priests of the second order" *have no right to sit and judge of faith and discipline*, I do not by any means exclude that *judgment* of opinion which every learned man is entitled to pronounce upon the subjects with which he is conversant; nay more, I do not exclude that superiority in priests, not only above all the laity, but above all other clergymen, save the bishops, to promulgate, defend, teach, and advocate the *established* doctrines of the Catholic church, and for those established doctrines to argue. These latter privileges are of old possession for the priests. What I deny as false and as foolish is the assertion, that the judgment of any priest, or of any number of priests, has a *binding* or *judicial* authority in the Catholic church. What I deny is, that the judgment of all the priests in the christian world has any right, in any *new* case, to affect the conscience of believers. In a word, I assert, that they have no *legislative* authority in matters of faith and Catholic discipline, but that the whole authority resides in the bishops, by virtue of

law, and in force of that, on which all ecclesiastical law is grounded, the promises in the gospel.

In undertaking the proof of these my assertions, I will pursue a method of demonstration somewhat different from the course, if indeed this term be applicable to the mere desultory warfare which *Columbanus*, ingeniously, as I think, has preferred. Had he rested his cause either on facts in ecclesiastical history, or on mere *critical* interpretation of certain passages in holy scripture, it would appear at once to the most ignorant men, that the facts, on which he relies, are not only too insignificant to become the basis of a system, but are too few to authenticate even a pretension to *judging on faith* on the part of the priests "of the second order." It would appear, that the passages of holy writ, which *Columbanus* has displayed, as unequivocally decisive in *his* favour, are so far removed from unequivocal interpretation, and so intricately connected in part with the history of the christian mission, until the demise of the apostles, of which almost nothing remains on record, subsequent to the acts of the apostles, and partly with the manifold combinations of a government such as the new law of Christ was exercised under all exterior opposition of temporal laws, of manners and of sentiments, that it must be the symptom of excessive incapacity, or of precipitate rashness to dictate to the christian world from the texts adduced by *Columbanus*.

To the man tolerably conversant in those ecclesiastical facts and texts of scripture, it would be immediately

dately manifest, that the historical facts of *Columbanus* are rather decisive against his theory, and that the scriptural texts he offers are those identical texts which have been the theme of perplexed controversy for these three last centuries: that *Columbanus* has done nothing more than state anew, and as *Catholic doctrine*, what the introducers of heresy and the outcasts from our church, had brandished as weapons of defiance or of impiety against the Catholic titles of this church.

To the zealous and enlightened Catholic it would be evident, that an attempt, in the *nineteenth century*, and under the auspices of a *veto-reformation*, (for which *Columbanus* appears a volunteer champion) to impeach those laws by which christianity has been administered, to a demonstration, during seventeen hundred years, and by which all heresies and schisms have been overthrown;—that an attempt to unravel this authority under the covert and gross pretences of a new statement of ecclesiastical facts, or of a new and unauthorized, not to say most ignorant allegation of scripture texts; it would be evident, I say, to the serious and well informed Catholic, that such an undertaking, at this day, involves nothing less than the attempt to set all christian principles afloat, to pull up all the ancient landmarks, to disease the Catholic commonweal with irremediable anarchy, by hooting down the authorities which have stood, as well as by undertaking to set up as authorities that, which neither has stood nor can stand.

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If *Columbanus* had stated *apart* his proofs from history, as well as his presumptive proofs from scripture, the weakness of each, and the tendency of both would have appeared in the light I have now mentioned. With egregious skill *Columbanus* has kept aloof from the most natural, but to his project, most unfavourable path of argument. When he quotes scripture text, it is not enough for him to give to each word and phrase that signification, which he had resolved to find, nor to help out his translation by a supplementary gloss entirely his own; he expatiates on those his second and third-hand inferences, and bringing up another text, he adjusts it by a similar operation, so as to coincide, not even with his own gloss or his own translation of the former text, but with his parenthetic illustrations, which had nothing to do either with his gloss or with his text. This inaccuracy of reasoning and of citing may, with great probability be imputed to the ardour of an original theorist; but it must be also acknowledged, that it also has the effect of blindfolding his readers, and of persuading them, not only of the sincerity of his address, but of the fidelity of his quotations, in those very places wherein it would seem as if he had no other object in view, save that of metamorphosing in jest the passages he quotes most resolutely.

My plan shall be the reverse of that design. I will begin from that epoch, at which the profession of christian faith was relieved from the threats of martyrdom; when the interior polity of the christian
system

system, (which as most particularly set upon by the heathen persecution, had been most guardedly kept secret hitherto) came forth, avowing his offices, departments, and jurisdiction; that is to say, from the peace granted by Constantine to the christian world. From this epoch I will shew, that the legislative and judicial authority in faith and Catholic discipline, not only was exercised by bishops *alone*, but was recognized in them, as a fundamental point of christianity. After this examination I will commence anew from that early period, which -intervened between the apostolic Era and the accession of christian profession to liberty, when Constantine acceded to independent dominion. This period, affording fewest lights to critical research into church government, especially during its first half, is the privileged field for dealers in conjecture, for declaimers on pure religionism, for the visionary condenser of probabilities, as well as for the illiterate and levelling impostor. From the annals of this period, *Columbanus*, as I see, has quoted nothing of doubtful authority. He has relied on *scripture*: and I will promise nothing more, as against *Columbanus*, in this part, than to shew, that of all the suppositions entertained concerning the meaning of those texts, *his* interpretation is not only the most false, but is the most absurd; and that if even true and consistent, it would make nothing for the cause he would further.

I am, Reverend Sir, &c.

On the first General Council at Nicea.

LETTER II.

REVEREND SIR,

IF at this day, some bold *philosopher* should make his appearance in England, for the sole object of *rectifying* the British constitution on many points of importance, and should gravely publish and republish, that the authority of “judging on life and death” is the right of *apprentices in the law*, as much as of those who are the *judges* by writ, or by patent: if, to prove this assertion, he should argue thus; ‘*Exclusive* trials are unknown to all antiquity: the ‘*lawyers*, from time immemorial, have sat in the ‘courts, as well as the judges; they have *discussed* ‘points of law; they have *given opinions* of the greatest ‘authority: and, as to *character*, we well know, how ‘a seat on the bench may be obtained.’ If the *philosopher* should next direct some few animated phrases to the people at large, and conjure them,
by

by their Alfreds and their Arthurs, and their barons of Runnymede, and by the battle of Blenheim, not to suffer themselves to be imposed upon by those *exclusive* judges, whose domineering arrogance would corrupt the *bar*, and leave to the rising generation, a set of *low, sneaking, intriguing, sycophantic* lawyers; —if this same philosopher, on being gently reprimanded by one of the *exclusive* judges, should instantly attack him with bad names, deny his authority of reprimand, and conclude with declaring, that, until he found *all the judges sitting in judgment with all the lawyers or their proxies*, and deciding against his assertion, he would continue to hold the doctrines of his lordship to be *reasonable*: let me ask, what could you do with the philosopher?

Again, if a judge in any one of the supreme courts, should deny the authority of a judgment in appeal by the lords, *because*, in fact, *he had not been present*, or because he was *shut out*, or, though present, was not consulted; whereas, by the *usage* of lords in parliament, he was entitled to be summoned, and “the *usage* of parliament is the *law* of parliament;” if this judge argued, that, from the most approved Anglo-saxon researches, the parliament is the convention of the *wisemen*, and of the nobles; which *wisemen* can be no other than the *sages of the law*; that the attempt to exclude the *judges* was an overt act against the constitution; that it betrayed a design of making *lawless* laws, and lack-learning ordinances: if our judge should lastly proclaim, that, until the *exclusive* com-

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petence

petence of the peers should be voted by *lords and judges sitting together*, he would treat the pretension of the former as usurpation, and resist every judgment so exclusively given by the peers ; pray tell me, what would you do with such a reasoner as the *judge* ? In *neither* case would it be possible to *convince* ; for, no government peaceably established and recognized, will lay down, or indeed can lay down its sovereignty, during a perceptible instant, for the sake of discussing its own right to govern. No government can submit to domestic arbitration, between itself and its subordinate officers, on the point of its own *usurpation*, when that supposed *usurpation* is but a part of the established system. The *philosopher* and the *judge* cannot be refuted unless by *matter of fact* ; that is to say, by the application of that authority which they deny.

But, although neither the *philosopher* nor the *judge* can be undeceived by arguments, it is not impossible to shew to a byc-stander, that they are both very much astray in mind. It is just so with the doctrines of *Columbanus*. To refute this author by *that* authority, which alone he declares to be *genuine* church authority, is totally impossible. No *general council* will appeal to the decision of the priests “ of the second order,” on the assertion of *Columbanus*, that these *priests* have a *divine* right or an *essential* right, to sit as judges of faith in councils. No bishops assembled can surrender their powers of government to arbitration ; much less can they receive a new charter of their rights

rights from the declaratory sentence of those priests, over whom they are appointed teachers, and over whom they have exercised, since the earliest times of christianity, a teaching, judging, ordaining, deposing, and legislating rule.

Still however, although bishops cannot yield to have their titles decided upon by the very persons, *against whose right of deciding* their authority is armed, it is very easy to demonstrate, that what bishops now exercise they have always enjoyed, and that what *Columbanus* pretends to claim for the priests "of the second order," has never been possessed, nor even demanded. For surely, no catholic will consider as a *demand* or as a claim by "the second order" of this right, the insolent and seditious defiance held out by anonymous pamphleteers in France, in order to recruit for a declining party. Nor will the *dogmatical* judgment of the Pistoiese synod, and its two hundred and forty *fathers*, levied in the Appennines and exhibited in antic shew along with the puerile bishop, serve for a *claim* duly, or seriously made. For not to mention, that this *synod* was reprobated by the national church of Tuscany; that it was condemned by the Pope; that it has been disowned by that very prelate who had suffered himself to be thrust into a chair of presidency; the fact is, that those *fathers* did not *claim* but *judged* for themselves. The *lay people* of course stepped in, as arbitrators uncalled, but yet as equally entitled to speak as those *Fathers* had been to *judge*: the laity declared against the *Fathers* as impostors: they decreed, by acclamation, that their bishop should

resign, and that a *Catholic* pastor should be given to them. A Catholic bishop succeeded, he annulled the entire of these parliamentary acts, and the *Fathers* very cheerfully returned to their proper and venerable station of *minor prelates*, in other words of parish priests.

In Doctor Poynter's examination of *Columbanus*, a very natural question was asked by the bishop, 'How has it happened that priests of "the second order," are not to be found exercising the alleged right of sitting, as judges of faith and discipline, in councils?' *Columbanus* well knew that the question required an answer: *Columbanus* had foreseen the objection, and formerly asserted, that the *first* attempt to exclude presbyters from councils was made by the *Nestorian* bishops in the *Latrocinium* of *Ephesus*.^{*} He also stated, that by the fourth council of *Toledo*, the priests "of the second order," have their *proper places* assigned to them in councils. As to this latter *fact*, the bishop observed, that the text restricts the *proper places* and the *admission* to such priests as *have business to be transacted there*, whereas *all* the *bishops* are to enter, without exception: that the passage consequently seems rather to decide *against* the *indiscriminate* right of priests. Of this observation *Columbanus* has taken notice only so far, as to repeat *his own assertion* against it, and to quote a *part* of the same text over again, in order to shew that priests have the right of judging in *general councils* †

have

^{*} *Columb.* third Letter, p. 22. † *Columb.* fourth Letter, p. 50.

As I mean to go through the general councils of the East and West assembled, before I meddle with those of local authority, I cannot say more in this place, on the fourth canon of Toledo IV., than that Columbanus, beyond a doubt, has not read this canon in its *own proper place*; because, whatsoever be the right of admission thereby given to priests, the right of sitting to judge on *faith and discipline*, is positively declared, by the council itself, to be out of the question. For, the *third* canon of this very council enacts, that “wherever *matter of faith* or of “*general concern to the church* shall require discussion, there shall be a *national synod* from Spain “and Gaul: but when *neither faith* nor matters of “*general concern* are to be treated, there shall be a “*special council of each province*.”* In the *fourth* canon, the order of *provincial councils*,† namely of those which *shall not* treat of *faith*, or *general arrangements*, it is detailed at length. Yet it is from this *fourth* canon, ordering that *certain* priests shall be admitted to *provincial synods*, Columbanus has taken his demonstration of the right of *priests* to sit and

* Tolet. IV Ex Can. 3. A nobis definitum est, ... ut concilium unum vel minus (quotannis) a nobis celebretur: Ita tamen, ut si *causa fidei* est vel *alia qualibet ecclesiae communis*, generalis totius Hispaniae et Galliae synodus celebretur; Si vero nec de *fide* nec de *communi Ecclesiae utilitate* tractabitur, *speciale erit concilium* uniuscujusque provinciae.

† Can. 4. XV autem Kal. Jun. congreganda est in *unacujusque provinciae* synodus: hora igitur diei prima, &c.

and judge of *faith and discipline*, even in *general councils*.*

Columbanus had also asserted that “according to Eusebius, the *second order* was so numerous in the council of Nice, that they could not be counted, and therefore he (Eusebius) omits them.” In reply to this quotation, as if it were truly from Eusebius, Bishop Poynter argued,† that undoubtedly many priests, as well as many *deacons* and *lay persons* might have been present in that council; but that it appears from Theodoret, that so many *seats*, and not more were prepared by the order of Constantine, as suited the number of *bishops* assembled. Again, Columbanus dissembles this authority. However he adduces two *fresh* proofs: first, that Constantine ordered each bishop to take with him to the council of Arles two priests of the *second order*; second, that the same order was renewed to each bishop summoned to the council of Nice.‡

For the two assertions of fact last mentioned, Columbanus gives Fleury’s ecclesiastical history as his voucher. Now, it would seem to me, that, as Fleury wrote in the *seventeenth* century, his testimony can have no weight in facts of the *fourth* century, beyond the proofs he can muster. With regard to the council of Arles, it is certain that Eusebius§ has given translations from *Latin* into *Greek*, (and of *Latin*, Eusebius understood little) of two letters from Constantine; one to *Miltiades of Rome*, and *Marcus*, as the text represents

* Columb. 3rd Letter, p. 22. † Examination, p. 34.

‡ Columb. 4th Letter, p. 57. § De Vit. Constant. Lib. 10. Ch. V.

represents it, the other to Chrestus of Syracuse; and that in this latter, there is contained a requisition to go to the council of Arles, and to associate to himself two certain *ecclesiastics*, whom *Fleury*, on the authority of a learned Greek scholar his cotemporary* holds to have been *priests*. But, that the requisition mentions, "priests of the second order" is the sole discovery of *Columbanus*. As to the *Nicene* council, no such order as that pretended by *Columbanus* is to be found in any history.

What I have said in derogation of the authority of *Fleury* on this point was not intended as an evasion from the *positive* authority of *Eusebius*, as quoted by *Columbanus*, and as encountered by Bishop Poynter, that in the council of Nice "the *second order*" was so numerous, that they could not be counted, and that therefore *Eusebius* omits them. This you must bear in mind, is one of the proofs of *Columbanus* that 'the second order' has a right to sit and to judge of faith in councils. How admirable, that a number beyond counting and therefore omitted by *Eusebius* should have had seats and decisive votes in the council of Nicea; and on so awful a subject too! And for what purpose came this countless number? Surely, if they came to judge, and did act as judges, it was worth the while to have enquired into their names. And whence did they come? For as to those who came by the order of Constantine, two along with each bishop, *Eusebius* himself

* *Henric. Vales.* in act. ad *Euseb.* loc. cit.

himself would have been able to calculate their number to be exactly *double* that of the bishops. But lastly, did they *vote*? It was even worth the while to have recorded this fact *positively*; because, as their number was past counting, they might with one shout, have put down the bishops, unless indeed *their* majority could not *decide* the question, which is the point, that Columbanus will never allow.

A countless number of priests was present in the council of Nice. So *Eusebius* attests, if we will take the words of the old *Eusebius* from a new *Columbanus*. If we will take the *inference* from *Columbanus* solely, those *innumerable* priests were in the council *by right*; they were present as *judges*. Be it so. Let us hear next.—Did these priests speak as judges? Did they pronounce any *sentence*? Did they declare and sanction any decree of *faith*? Has any author, Greek or Latin, or any Chronologist at any time, or on any curious occasion mentioned the name of any *one* judge, amongst those innumerable *judges* of the faith? That certain presbyters were in the council, we know. That Athanasius the *deacon* was at *Nicea*, and was employed by his bishop to dispute with the partizans of Arius, we are informed. But we are anxious to hear some few names of those priests who in the council, in the *act of judicature*, in the *critical* time of *Legislation*, were sitting, as judges *by right*, and who, if they judged, must have either pronounced some words, or used some gestures at least denoting authority and assessorship.

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The *innumerable* judges were all dumb, in the luckiest of all possible moments for displaying their *right*. They were dumb indeed in presence of the *exclusive* *bishops*. Eusebius has not forgotten to number the *bishops*. Why so? Because they constituted the *authority*. The *priests*, says he, (at least *Columbanus* says so for him) *could not be* counted. Why so? Because whether they were few, or many, or *innumerable*, was not necessary to the purpose of *legislating*. From the acknowledgement of *Columbanus*, the *priests* were not reckoned nor named: if so, they were not called upon: if so, they were not known; if so, they did not *vote* in the council: if so, whether sitting or standing, they did not act as *judges* in the Nicene council. They formed an audience, if present; a worthy and reverend audience: but they could not be more than this, even for Eusebius, when he records them, (if truly he has particularly recorded them) as a *multitude* beyond *counting*.

It is now high time to give the *words* of Eusebius himself, which will at once settle the question. 'But, 'in the festive Assemblage, of which I now treat, 'there was a company of *bishops* surpassing two hundred and fifty. And as to those who accompanied 'them, *presbyters* and *deacons*, and other *multitudinous* 'attendants, the number was incalculable!'

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If

* Euseb. de Vit. Const. l. 3. Ch. 8. Επὶ δὲ τῆς πρώτης χρήσεως ἐπιστά-
σαν μὲν πλῆθος ἐν πλείοντα καὶ ὅσ' ὑπερακούζουσιν ἱερομένον δὲ τοῖς πρε-
σβυτέρῳ καὶ διακόνῳ, ἀπελευθύνῃ πλείων ἔσται καὶ ἡ ἀριθμὸς εἰς καὶ ἀλυσίαν.

If from this passage (although it should be granted, that Eusebius had been relating the proceedings in the *council*,) it can be inferred, that priests “ of the second order ” either sat as *judges* or pronounced as judges on faith, I am at a loss to know what inference may not be drawn from any passage in any book that ever was written. But, what was this festive assemblage? Was it the celebration of the synod? Eusebius denies that. Eusebius will inform you, that it was some event previous to the synod of Nicea. What that event was, may be best conjectured from the following abridgment of his narrative.

‘ Constantine, when he found that his interference
 ‘ had not restored peace to the church of Alexandria,*
 ‘ and that the dissensions concerning the celebration
 ‘ of Easter still continued,† in order to subdue the
 ‘ demon of discord, undertook to assemble a general
 ‘ synod, inviting from all quarters the bishops, by
 ‘ letters full of respect. When they all had come to
 ‘ the same place’ (the city of Nicea) ‘ the undertaking
 ‘ appeared visibly to be the work of God. Men es-
 ‘ tranged from one another in disposition, separated
 ‘ by countries far asunder, were now *congregating*
 ‘ *together*, and *one city* was capable of holding them
 ‘ all.‡ From all the churches, therefore, the choicest
 ‘ trophies and first fruits of the *sacred functionaries of*
 ‘ *God*, were now congregated, and *one sacred temple*, as
 ‘ if miraculously enlarging itself, received Syrians, &c.’
 ‘ The

* Ibid. Ch. 4. .

† Ibid. Ch. 5.

‡ Ch. 6.

'The bishop of the Imperial City, (Rome,) was not
'on the spot, owing to his old age: but *presbyters*
'*belonging to him were there and represented him.*'*

Hitherto we find nothing of the *council*: nothing of
presbyters attending the *council*, or coming to Nicea
in *their own right*, but rather the contrary. We find,
that Eusebius has been describing the grand and
novel spectacle of the re-union of all Nations, in
one city, in one faith and communion, and even in
one house of prayer. We find, that the invitation
had been sent to the *bishops*, and that *bishops* were
entitled to send *presbyters* as *deputies*.

Let us still hearken to Eusebius. 'Such was the gar-
'land which Constantine, the Emperor, having braided
'with the fillet of peace wished to offer to his Saviour
'as the pious votive tribute of his gratitude, after all his
'victories: and thus he collected in our days, a festal
'band, the representative of that which was seen in
'the time of the apostles. For in *their* days also it is
'recorded, that religious men from every nation un-
'der heaven were congregated. But yet, that con-
'gregation was inferior in one respect, that it did *not*
'entirely consist of *sacred functionaries of the deity*;
'whereas in the festive assemblage, which I relate, there
'was a company of *bishops*, surpassing two hundred
'and fifty. And, as to those, who accompanied them,
'presbyters and deacons and other multitudinous
'attendants, the number was incalculable, (or in-
'conceivable

* Ch. 7. The *sacred functionaries of God*, *ὁ ἅγιος λειτουργός*, is used by
Eusebius always and exclusively, as the description of *bishops*.

‘conceivable.)* Of those *functionaries* of God, some
‘excelled in wisdom, &c.’†

Do you see here any thing like Priests “of the second order” sitting or *judging* in council, of faith, or of any other matter? Do you not observe, that Eusebius is comparing the assemblage at Nicea, which took place at Whitsuntide, with the account of the *Pentecost*, in the acts of the Apostles? And do you not see, that the religious men, who were assembled at Jerusalem, are contrasted, not to the presbyters, deacons, or attendants, but to the *bishops* the *sacred Functionaries*, of whom the assemblage *entirely* consisted.

Eusebius proceeds. ‘But when, on the day fixed
‘for the *synod*, in *which* the controverted matters were
‘*necessarily* to be resolved, each person, composing the
‘*synod*, was arrived, those who had been invited‡
‘entered into a hall, which was the *largest* and was
‘midmost in the palace, and where *several* seats were
‘disposed to the right and left against the side walls
‘of the saloon. The council was seated and remain-
‘ed in silent expectation of the emperor’s coming.
‘When he entered they all rose. Constantine passed
‘through, and stopped at the head of the files. Be-
‘tween them a low stool of gold was set out for him.
‘Constantine would not be seated, until the *bishops*
‘*intimated* their will that he should.’§

Now

* Ibid. Ch. 8.

† Ch. 9.

‡ ὅτι ἀπαλαμύσσει, § also in the address of the Fathers at Constantinople
Theodosius, ὡς τὰς τοῦ πλὴντος γὰρ μασί τοι καλῶς τὴν ἐκκλησίαν ἡγήματα.

§ Ibid. Ch. x.

Now unless we set down Eusebius for a desperate liar, it is impossible to reject his account of the opening of the synod; for not only he was one of the bishops present, but he himself as soon as the Emperor took his seat, delivered an oration in praise of Constantine.* If the account of Eusebius can be relied on, we gather from it the following particulars.

First, that the synod had not assembled, nor was it alluded to when Eusebius related the immense crowd of presbyters, deacons, and attendants who accompanied the bishops, *summoned or invited*. Second, that the synod assembled in the great hall of the palace at Nicca. Third, that none *entered* but those who had been *summoned*; and, consequently, that no one of those *innumerable presbyters, deacons, or attendants* occupied, any of the *several seats*, unless they came as deputies for absent bishops. Fourth, that the *bishops alone* are mentioned, as constituting this synod, and exercising authority before Constantine.

Such is the account given by Eusebius. I have enlarged on this account, merely as a refutation of the slur attempted to be cast by *Columbanus*, on the common sense of the old Bishop of Caesarea. Had Eusebius used the words imputed to him, he would certainly have proved himself an idiot which is worse than an ignorant historian. For he would not only have contradicted all the ideas of christianity prevailing in that age, but would have given the lie to himself

* Ibid. Ch. xi. and in *proem. ad v't. Const.*

self, as we shall see presently. I am very much tired of this single point, but having undergone so much fatigue in crushing a mere fabrication, I cannot quit without asking once more, whether Eusebius asserts, as *Columbanus* has pretended, that *in the Council of Nicea* the priests were beyond number, and were *therefore omitted* by him.' Nor can I avoid reminding you, that the authority so borrowed, as we have seen, from the *name* of Eusebius, is the only authority, which *Columbanus* can bring or indeed any man can bring in support of the right of priests "of the second order," to act as *judges* of the faith.

Let it not be deduced from Eusebius, much less from *me*, who pretend to no authority whatever in the Catholic commonweal, that, because no presbyters sat with bishops, in the *act of legislating*, at Nicea; or that because deacons, the inseparable ministers of bishops, did not interfere in the judicial acts of bishops when declaring the faith at Nicea; neither presbyters therefore, nor deacons took any part in those proceedings. It would be most silly to imagine, either that no wise, no learned, no inspired priests and deacons accompanied their bishops to this assembly, or that bishops, if seeking counsel or learning, or encouragement, through humility or possibly through comparative unacquaintance with science, did not apply to their attendant clergy as to friends, to christian teachers, to counsellors, who by calling, by dignity, by consecration, by assessorship *at home*, by an apparent right of successi-

on to their thrones, by authority of life, as well as by reverence of those purifying rites of christianity, which they exercised, were the fittest to be consulted, the most capable to counsel, and the best entitled *cæteris paribus* to be heard. What I would maintain is very different from such an opinion. I admire that humility which seeks advice. I admire that spirit of concord, in which our Saviour loves to dwell, not as in pomp, but as in daily and condescending intimacy. I know, that there is a woe prophesied against the *solitary man*, *because if he fall he hath none to lift him*. I know, that it is forbidden to *quench the spirit*, whether of knowledge, or of charity, or of peace; and that, in the church of CHRIST, every active part is entitled to minister, according as it hath received, according to the multiform grace of God. Lastly I am well aware, that the kingdom of redemption is not like a temporal government, in which *arbitrary will* is sovereignty, and in which to abstain from crimes is called beneficence, or even to be sparing of crimes. Whatever be the *authority*, which exists in the christian system, that authority, in its application, must be as different from the execution of worldly force, as it is superior in its origin.

To seek for parallels between the *genuine* idea of christian *polity*, and the several species of profane or human organization of force, I consider to be extreme absurdity. To defend the government of the church as a pure *monarchic* or as an *aristocratic*, or as a *republican* system, or as resulting from any temperament

perment of these three forms, must necessarily lead into error; and so far, must estrange the mind from the whole of the salutary and everlasting purposes of the gospel, which except in the Catholic church, are either not known or cannot be realized. If it were lawful to circumscribe the christian state by any general name, it might more aptly be called a federal system; because its essential compact is UNITY. How this UNITY is to be procured and upheld, is, though a necessary subject of investigation, yet not foremost in the gospel theory. Let *unity* be once allowed, as the essential character of the christian association; the methods for procuring it are speedily to be found in the gospel. We shall find, in the gospel that as no unity can exist without order, nor order without subordination, nor subordination without a single directing and visible power, that there must be a chieftaincy derived from one to many, and yet the *property* of none of these, although a *station* to be defended by each of these. There is no *monarchy* in the christian church, but that of Christ: there is no *aristocracy*: there is no power of the *commons*. There are ministries and offices distinct, and there are subjects amenable to these offices. But the highest magistrate of spiritual things can only be the next representative of Christ for christians; and Christ himself has declared, that he came not to have servitude performed unto himself, but to perform it, and to lay down his life as a ransom for multitudes.

Yon

You will grant now, that I exclude pride, and lordly and stern command, as well as the selfish feeling of proprietorship, from the Ecclesiastical order. You will grant, that I establish charity towards God, humility towards inferior offices, and modesty in all things, to be the duties particularly of bishops, whether sitting in council, or acting out of council. All this premised, I say, that in the council of Nicea, if priests even could be *proved* to have had seats, which is *disproved* from that very authority to which *Columbanus* appealed; if it were even proved, that priests had sat there to the exclusion of *deacons and attendants*, whom Eusebius mentions as having been present, as well as priests in the great celebrity, that preceded the synodical and judicial meeting: yet I assert that neither priests, nor deacons, nor any other than *bishops* enacted, declared, professed, confirmed, or could have enacted, declared, professed, or confirmed the faith published from Nicea, so as either to perform a judicial or legislative act by any profession of their faith, or to have bound the conscience of the christian people. My first proofs I take from this very history of *Eusebius*. Some difference will be found between my proofs and those of *Columbanus*. This last writer has attempted to prove by such inferences as you have remarked, that priests of the "second order" sat *as judges*; because, no doubt, priests, deacons, and innumerable followers were assembled on the occasion of the Nicene synod. I will shew, from Eusebius himself, who were the *judges* invited to this council,

H

and

and by what authority the Nicene profession was confirmed.

Hear the letter of Constantine to the churches concerning the Nicene synod. "Whereas it was not
 "possible to ascertain or to re-establish the order of
 "faith and charity, unless by the convening of all
 "or of a considerable number of BISHOPS, a judicial
 "examination were held on each subject appertaining
 "to the most sacred religion; for this reason, a
 "most numerous congregation having taken place, (I
 "myself as one of you, was also present,) every
 "point was fully examined, until one standard of
 "opinion, pleasing to God, was brought to light, and
 "unanimously agreed to. So that there no longer
 "remained any thing to cause a doubt or dispute
 "about faith."* "Receive then cheerfully that which
 "is divine grace, and truly is divine commandment:
 "because *whatsoever is enacted in the reverend councils*
 "*of the BISHOPS, holds correspondence with the pleasure*
 "*of the Deity.*"†

From these extracts it appears, first, that in the persuasion of Constantine, the authority of *bishops* is necessary for ascertaining the faith. Secondly, that

* De vit^a Const. Lib. 3. Ch. 17.

† Ibid. Ch. 20. *σαν γαρ αἱ δ' ἐν τῇ αἰῶνι ἀγιῶς τῶν ἐπισκοπῶν συνήθεια* *πρασίνῃ*, *ἐν δὲ ἑρμῇ τῇ θείᾳ βουλῇ ἔχει τὴν ἀναφορὰν. ἢ πρὸς τῇ*, as given by Valesius, we have *πρασίνῃ* and *πρασίνῃ* in the Tomes of Gelasius. The last is undoubtedly the truest reading, and could have been rejected only in the supposition, that it signified a *past* time, which is a mistake.

that the authority of *bishops* in council is the *highest* and the *ultimate* authority here below. No mention whatsoever is made, I do not say of the *votes*, but of the presence either of *priests* or *deacons* in the council. Lest however it should be argued, that where *Constantine* speaks of a most *numerous congregation*, the presbyters may be included, I refer to Gelasius, who in his edition of this letter, presents the reading thus: *a most numerous congregation of reverend BISHOPS in this city of Nicea.**

Let us pass from Eusebius to Socrates, who has preserved the letter of Constantine to the church of Alexandria, giving an account of the condemnation of Arius. This document is omitted by the former, for *prudential* reasons.

‘We all now worship *One* in name, and believe him to *be* one. In order to accomplish this, by the will of God, I summoned to meet in the city of Nicea, the greatest number of the BISHOPS.’... ‘*Three hundred BISHOPS and upwards* respectable for their conduct and prudence confirmed, that there was but one and the same faith; Arius alone was discovered, &c.’..... ‘What has been agreed by *those three hundred BISHOPS*, is no other than the decision of the Son of God, especially whereas even the Holy Spirit, brooding over the conceptions of such excellent men, brings to light the divine purpose.’ †

H 2

If

* Πλατων ὁντων ἐν ταύτῃ τῇ Νικαίᾳ πάλιν διαφιλισταῖον ἐπισκοπων. Gelas. Chap. 35. Labb. II. 262. and Hard. I. 448.

† Socr. I. Ch. 9.

If Constantine wrote truly, it follows, that he summoned *bishops*, not *presbyters* to Nicea, for the purpose of confirming the faith, and that he rested on the agreement of the *three hundred bishops*, as upon the *authority* by which that faith was to be declared.

Lastly, how does the council of Nicea address the churches of Egypt, in notifying the condemnation of Arius? ‘The general and sacred council to the churches of Alexandria, &c. and to all the churches of the orthodox faith, the BISHOPS composing the synod at Nicea greeting.”*

Were the argument resting on no other quotations than those which I have already given, I presume that no common sense of readers would hesitate in its decision. However let us proceed. In the great western Synod of Rome, held by Julius I, an epistle was framed in reply to the Oriental Bishops who persecuted Athanasius. In this epistle Julius asks; ‘Who are the men who disrespect synods? Surely they who slight the suffrages of the *three hundred*.’ Again, ‘If, as you allege, from the instances of Novatus and of Paul of Samosata, synodical decrees are not to be reconsidered, it was yet more fit that the decree of the *three hundred* should not be violated; it was fit that the general council should not be violated by the few.’† Again, in the synodical Epistle from the

* Ibid. Ch. 19.

† Τίς εἰς ἡ Σύνοδος ἀνίσταται; οὐκ οἱ ἰσχυροὶ τὰς ψαφθεῖ παρ’ οὐκ ἔμειναι; . . . εἰς τὴν ὡς γράφει ἐν τῇ κατὰ Νόβατον καὶ τοῦ Σεμεδάτου Παύλου παραδειγματικῶς τὰ τῶν συνόδων ἰσχυροὶ δόγματα χρὴ εἶναι μακάριον μὴ λυγῆναι τῶν τριμυριασίων τῶν ψαφθεῖ, εἶναι τῇ καθολικῇ συνόδῳ ὅσοι τῶν ἀληθῶς μὴ ἀνίσταται Ex Athan. Apol. 2.

the western bishops with Liberius, the successor of pope Julius, to those of Greece: ‘Our brethern Sylvanus, Eustathius and Theophilus avow, that you and they preserve and will keep to the end of your lives the faith which was approved by the *three hundred and eighteen* orthodox BISHOPS. Nor was it by ordinary chance, but by divine inclination, *this certain number* of bishops convened together, corresponding to that *number* wherewith Abraham, by faith, vanquished the many thousands of foes.”*

Again, from the synodical letter of Pope Damasus to the bishops of Illyricum, in the cause of Auxentius of Milan. ‘Some time ago, the Arian blasphemy having begun to spread, *our predecessors, the three hundred and eighteen* BISHOPS, along with the delegates of his holiness the bishop of Rome, held a council at Nicea and established as a rampart against the hellish invasion, &c.’†

SECOND GENERAL COUNCIL. Canon I. ‘Decreed, that the faith of the *three hundred and eighteen* fathers, assembled at Nicea, shall not be rejected, but shall endure in full authority.‡ Does this speak out? Does the council of Constantinople accord

* Socrates L. IV. Ch. XII. Ed. t. Vales. p. 222, and Hard. Concil. 1. p. 743. Labb. II. p. 757.

† Sozomen Lib. VI. Chap. 23. Ed. t. Vales. But the original Latin, as published by Holstenius, is also to be found Labb. II. 892. Hard. 1. p. 772. and bears evident marks of the stile of Saint Jerome.

‡ Concil. Constantinop. I. Πρῶτον μὴ ἀντιτάξαι τῷ πρῶτῳ ἐν Πάτρσι τῶν ἐκκλησιαστικῶν διὰ τὸν τῶν ἐν Νικαίᾳ τῆς ἑβδόμης συνόδου ἀποστολῆς ἀλλὰ μόνον ἐκκαλεῖται παρῶν. Can. I.

accord with the council of Damasus, in referring the authority of the Nicene council, that is to say, of the catholic faith, to the declaration of BISHOPS?

THIRD GENERAL COUNCIL at Ephesus, Session I. beginning with the examination of the faith of Nestorius. ‘Juvenalis bishop of Jerusalem spoke. “Before we proceed, let there be read the faith declared by the canonized fathers, who convened at Nicea, the *three hundred and eighteen* BISHOPS.”†

Does this speak out?

FOURTH GENERAL COUNCIL. ‘Paschasinus and ‘Lucentius bishops, and Bonifacius the presbyter, ‘delegates of the apostolical see, by the mouth of ‘Paschasinus the bishop, said; “This sacred synod “holds and pursues the rule of faith of the *three hundred and eighteen*.”—‘The most honourable magistrates and the exalted senate spoke; for as much “as we see, that your reverences have brought forward “in view the holy gospels, may each of these here “assembled, the BISHOPS, give information, whether “the declaration of faith by the *three hundred and eighteen*.... accords with the epistle of the most “Reverend Archbishop Leo? Anatolius bishop of “Constantinople said: “the epistle accords with the “creed of the three hundred and eighteen who met “at Nicea.”§ One hundred and thirty six bishops answered

* Διαγινωσκον. δι’ ἐν πρώτοις ἡ ἐκκλησία πιστὴ παρὰ τῶν συνελθόντων ἐν τῇ Νίκαιᾳ ἁγιοτάτων πατέρων ὁ πιστευόμενος τριακοναίως διὰ τοῦτον. Act. I. Concil. Hard. 2. p. 1364. Concil. Labb.

† Labb. Concil. IV. p. 472 usque ad. p. 507. Ad finem actus V.

answered distinctly, that the epistle accorded with the faith of the *three hundred and eighteen*: the others answered, "with the faith declared at Nicea," or "we all agree."

The same expression is repeated throughout the Acts, and occurs thrice in the decree concerning the faith. It is quoted formally in the dispute between the pope's legates and Anatolius, concerning the true reading of the sixth canon of the Nicene council;* again by the council to the emperor Marcian, and in the edicts of the emperors, repeatedly. In short there can be nothing certain in history, if it be a doubtful point, that the whole and sole authority concerning faith, as declared at Nicea, resided in the council, and that this council was of *bishops*. What private discussion or consultation might have taken place, whether each bishop questioned his own deacon, or the deacon of any other; in short after what preparatory human means, the judicial authority was put forth is immaterial to the main subject. The christian church knows no other teaching tribunal than the *bishops*. If the *bishops* in general councils will decree without taking *advice*, although conscious of their incapacity, they do so at their peril; but the right and the authority is with them solely, and with them is the promise which was made, not to human learning nor to human investigation, but to weakness and to faith, and for the church.

Next

* Ibid. p. 645, 659, 660, 674, 678, 679, 682 and 689. Ep. Ju-
4 enal. Epiac. Hieros.

Next after the councils of Nicea and the two Roman synods of the West, already mentioned, comes to be inspected the council of Sardica. What share the presbyters had, as *judges*, in that council, may be learned very easily. Each canon gives the name of the *bishop* proposing it. The *bishops* who spoke were four only. The *synod* answered, "we agree." If we would next wish to find out who composed the synod, the first canon, instead of "the synod" explicitly tells, "*all the BISHOPS* answered, we agree."* We will find also in the letters from the council, that the persons who had authority in the meeting were *bishops*, and from Athanasius† we learn even the names of the bishops who signed or adhered to it.

I am, Reverend Sir, &c.

* Labb. C. II. 627.

† Athanas. Apol. 2.

LETTER III.

On the General Councils of Constantinople, Ephesus, and Chalcedon.

REVEREND SIR,

IN the next or SECOND GENERAL COUNCIL at Constantinople, were the priests of “the second order” sitting or judging of faith? Let the synod answer for itself.

Prefatory letter to the Emperor Theodosius. ‘The sacred synod of BISHOPS assembled from different provinces in Constantinople, &c.’ ‘On arriving here, we first re-established unanimity amongst ourselves: Next we pronounced brief definitions, *concerning the faith of the Nicene fathers*: lastly we enacted determinate canons for the discipline of the churches.’* Not a word of their assessors! Those *exclusive* bishops presume not only to pronounce rules of faith *visa voce*, but even undertake of their own authority, to

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enact

* Iabb. Concil. II. p. 945.

enact rules, stiff rules of general discipline. But hear a little more: observe how the canons begin.

‘The BISHOPS assembled by the grace of God
‘from different provinces, according to the invitation
‘of the Emperor Theodosius, *define* as follows.’ And thus they proceed to declare even a *creed*, which has continued as the creed of the Eastern and Western churches to this very day. Those bishops were only one hundred and fifty; as appears from the general council of Chalcedon, in its decree on the faith, which declares, that it proclaims the symbol of the *three hundred and eighteen fathers*, and adheres to the definitions of the *one hundred and fifty*, who *set the seal of confirmation* on that same faith.* Not a word, you perceive, of the “second order” of judges at Constantinople!

In the THIRD GENERAL COUNCIL at Ephesus we are not forced to prove from circumstantial evidence that a general synod means a convention of *Bishops*. The imperial circular letter for assembling the council will inform us of what persons it consisted, thus;
‘Theodosius and Valentinian, Emperors, to N. Metropolitan BISHOP:’ ‘Your reverence will take
‘care on the day of Pentecost next after the ensuing
‘Easter, to be on the spot in the city of Ephesus,
‘and cause to arrive there a few of the BISHOPS,
‘subjects

* Act. 15 Hard. II. 452. ‘Ο δὲ ἐπισκοπεύων... τοῦτον τριμνησίον διασκεπτοῦ συμβολῶν κηρύξαντες ἐπὶ ὧς οἱ αὐτοὶ ἐπιγράψαντες μνηστέον τοῦ συνήματος διέταξαν ὅτι οἱ αὐτοὶ ἡμεῖς ἐν τῇ βασιλείᾳ Κωνσταντινουπόλεως συνιέντες ἐκείνους ἐπισκοποῦντας, ἐκ αὐτῶν ἐν αὐτῇ ἐπιφραγισμένῃ πιστῶς

‘subjects of your province, in such number as you
 ‘shall judge fit; so that enough may remain at home
 ‘for the wants of the churches, and yet there may be
 ‘no deficiency in the synod of meet and proper
 ‘persons.’*

The same is plain, from the letter to the council
 of Ephesus, introducing the palatine officer Can-
 didian. ‘Heretofore we wrote what was fitting, as
 ‘to a meeting of your reverences in the metropolis of
 ‘Ephesus. Now, Candidian our chamberlain has
 ‘been directed to proceed to your sacred synod, but
 ‘not to intermeddle with your discussions on matters
 ‘of religion; because *it is nefarious that any man not*
 ‘*of the ORDER OF BISHOPS* should interfere with ec-
 ‘clesiastical deliberations; but, in order to clear
 ‘away, by all means, from the city those *secular*
 ‘*men and monks*, who have either thronged thither,
 ‘or are likely to do so on the occasion.’†

Is not this *exclusion*? It goes rather *beyond* the
 resolution of the *Irish bishops*, of which Columbanus
 deems the doctrine *heretical*: and this, you will
 recollect, was the doctrine concerning *general councils*,
 in the century which immediately followed that of
 the council of Nicea.

12

It

* Labb. Conc. III. p. 437. recited also 451, 453.

† Ibid. 443, 444. Επισταται τινι Κανδιδίαν· . . αρχὴ τῆς ἁγίας
 ὁμοθυμαδὸν συνόδου ἡ μὲν μὴ τῆς τῶν δογματικῶν ὑπομνήσεως ζήτησε
 παύσεως· ἀδύνατον γὰρ τοῖς μὴ τοῦ καταλόγου τῶν ἀγίων τῶν ἐκείνων
 συγγενεῶν τῆς ἐκκλησιαστικῆς ἐκπαίδευσης ἐκτιμώμεθα· ἀλλὰ τοῖς καθ’
 ἑαυτοὺς διὰ τὸ μολοῦνται . . . Τὸς αὐτοὺς παύει τρεῖς χιρσὶ σὺλλογας.

It has been argued by *Columbanus*, that the absence of the names of the priests “of the second order” in the *subscriptions* of councils can be satisfactorily explained from the imperfection of the copies, which have come down to our times: that, if bishop Poynter had consulted the *best manuscripts*, and collated the *best authorities*, he would have found, that the reason *why the second order* are not mentioned in *many councils*, is, because the originals are lost, and the copies imperfect;—that in *many instances* the abbreviators omitted *all the debates and most of the acts*, setting down *only the decisions*, as noticed by Labbe.*

That the *originals* of many councils are lost, is not to be questioned:—that the *subscriptions* are wanting in many councils, is evident from inspection, and is occasionally remarked by the several editors of national and provincial councils. As to *collating* at this day, the *best manuscripts* of councils, the work I fear is beyond the abilities of any individual, when I consider into what errors of fact, and misconceptions of the *original* text, certain learned men have been betrayed very lately. Without engaging therefore in a controversy concerning the *best manuscripts*, I must protest against the inference, as far as it applies to general councils,

I will admit that priests of “the second order” have *subscribed* in councils. Nay I *will prove* hereafter
that

* *Columban. 4th Letter*, p. 57.

that they have *been ordered to subscribe*. The great point in dispute lies not here. The question is, whether priests of "the second order" subscribed as *judges* or as *followers and disciples*. It requires no great stretch of mental faculty to perceive that one man may sign as *declaring his conformity*, and that another man may sign as *giving authority* to a declaration. In the church of England, it is required of those who hold stations ecclesiastical, to sign their *assent and consent* to the thirty-nine articles. This *signing* I take to be very different from that *signing* in both houses of convocation, by which the authority of those articles was manifested. In short there is a distinction between the *signature* which imposes an obligation on the subscriber himself, and the signature which establishes a rule and decision for other men; between the signature of that individual, who qualifies under the *test-act*, and the signature, by virtue of which that test-act may have been authenticated, as a law.

In the council of Nicea we have the authority of Eusebius, that *Constantine* having brought about a general agreement, concerning the faith and the celebration of Easter, "at length the *unanimous* "decree was confirmed with the subscription of each "one,* and that the Emperor, on this being accomplished, considered himself to have gained another "victory over the enemy of the church." The
subscriptions,

* Euseb. *de vit. Const.* Lib. III. Ch. 14.

subscriptions, here spoken of, are of those who met in the palace; of the *bishops*, as we have shewn. The signatures of those *bishops* were judged by Constantine to have given full *perfection* to the *decree*. If any presbyters afterwards set their hands to this same profession of faith, is it not manifest, that such written profession could have added no authority to the *decree*, already become authentic?

It matters then nothing at all in this controversy, whether any or innumerable priests of "the second order" subscribed the acts of councils; the main point being, not whether they subscribed, but whether, by so doing, they gave an *authority*, or yielded and adhered to an *authority*, residing in the *bishops* who had decreed. Whether presbyters did or did not sign the Nicene faith, or the creed of Constantinople was no concern of the Catholic church. The faith of Nicea was "the faith of the three hundred and eighteen bishops:" the faith of Constantinople was "the faith of the one hundred and fifty" as we have already seen. If presbyters did sign in either place, their names and numbers have been forgotten. Why so? For no other possible cause, than that their *numbers* could have added no authority to the *episcopal* decrees.

The fact however, although quite unimportant to the main question, as expressly recorded, happens to be this; that, in the council of Nicea, not a single priest, unless as an episcopal proxy, did sign or subscribe. "Constantine" writes St. Epiphanius, "convoked a synod of *three hundred*
and

"and eighteen bishops, whose names "are extant."...
 "As soon as those bishops subscribed, and condemned
 "the Arian heresy, the synod ended.*"

The abbreviators, says *Columbanus*, in many instances omitted all but the decisions. How far this may hold true with regard to the council of Nicea, I have yet to learn. I doubt whether any notaries attended, unless for the canons and symbol of faith. In the second general council, the fathers declare to the Emperor, that "they have defined *brief and determinate* canons, thereto subjoined:" in this meeting also I believe, that nothing was committed to writing, by authority, beyond the canons and the letters still extant, except the names of the bishops or of their proxies. But in the third council at Ephesus, which is the subject at present, we have the letter of summons in which priests of the "second order" are expressly denied all rights of sitting as, "judges in council," or of sitting even as disputants. How will this be got over?

No *collation* of *manuscripts* will avail here at least. Much less will *the imperfection* of copies explain away the important declaration. Of this council of Ephesus the *acts* have been preserved, in which the proceedings of each day are represented fully and circumstantially. The first session opens with the roll of
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*Epiphani. Arian. Hæc. xi. Petau's Edition 1622. p. 735 *ὑπογράψαντες
 ἅ τιν ἐπίσκοποι ἐ καθίστασθαι τῇ ἀρχιεπισκοπῇ ἀξιοῦσι, ὅτι
 ἡγήσαντο.*

the *bishops* assembled along with Cyril, to the number of one hundred and fifty-six. On the first question "whether the letter of Cyril to Nestorius were orthodox or not:" one hundred and twenty-six *bishops* deliver judgment *seriatim*, and the remaining bishops "already *set forth on the roll*" agreed.* To the act of deposition of Nestorius the names of *one hundred and ninety-eight signing bishops* are still extant, and we have from the authority of Saint Cyril, who presided in this council, that the number of bishops assembled on the occasion was about *two hundred*.† In every session and in every argument the names of those who *discuss* or *judge* are given. All are *bishops*, or commissioners of *bishops*.

Nineteen years after this first and general council of Ephesus, another meeting was held in the same city in the cause of Eutyches, the priest and abbot.‡ This second meeting, which is better known by the appellation of the *Latrocinium* or club of malefactors, was headed by Dioscorus, who, in order to overawe the assembly, contrived that Barsuma the chief of all the Syrian monasteries should be summoned to the council. Barsuma came to Ephesus, attended by one thousand monks, and was allowed to sit and vote.

Concerning

* Labbe III. p. 491. Καὶ πάντες οἱ λαοὶ οἱ ἐν προσηγορίᾳ ἐν τῇ ἐκκλησίᾳ
ἱσμενοὶ τὰ αὐτὰ κατηγγίνονται.

† Cyrill. ad Cler. et pop. Alex. Epheso.

‡ A slight error concerning the name and quality of this innovator appears in Columban. Letter 4th, p. 10. Eutyches is there mis-named Eutychius, and is styled bishop.

Concerning this *Latracinium* at Ephesus the hasty pen of *Columbanus* has slipped into very comical blundering. *Columbanus* asserts, that it was a meeting of *Nestorian* bishops, whereas it was exactly on the charge of *Nestorianism*, that Dioscorus proceeded to depose Flavian, Eusebius, and Theodoret: he asserts that it was by *this* council, priests of the *second order* were *first excluded*; whereas it was by *this* council, priests of “the second order” *not proxies for absent bishops*, were *first admitted*, in the person of Barsuma, to associate with *bishops*. The precedent began and ended with him. Barsuma murdered the *bishop* Flavian.

The summons to each Metropolitan for this *Latracinium* at Ephesus, is to be seen in the council of Chalcedon. It agrees with that formerly issued for convening the general council under Cyril, of which we have given the substance. The special invitation to Barsuma, was accompanied by letters to Juvenalis of Jerusalem and Dioscorus of Alexandria, recommending Barsuma to their protection. The summons to this latter, reciting, that the abbots in the East, but chiefly Barsuma himself had suffered persecution from some *Nestorian* bishops, declares it to be just, that he should have a seat along with the others, *fathers and bishops*, in the council, and be entitled to *define* along with them, as *representative of all the oriental abbots*.† Barsuma, although a priest of the “second order,” is not called, *as such*,

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to

† Concil. Chalced. Act. 1. Labb. IV, p. 106.

to sit in the council ; he is invited in reward of his pretended suffering for orthodoxy, and as a delegate for all the eastern monasteries. Whether the Emperor had a right to grant this privilege, or not, is another question. It is plain however, that the privilege was personal and was novel : that it was meant as an honorary distinction to *one* out of *many* supposed confessors of the faith. In the letters of *recommendation* by the Emperor to Dioscorus and Juvenalis,* the zeal and sufferings of the Archimandrite are set forth as the cause of the privilege, to be bestowed on him, “ of taking seat with the fathers assembled.† However so conscious is the Emperor of his incompetency to give Barsuma an authority to vote or judge *with bishops*, that he concludes with asking the matter as a bounty. “ Your Reverence understanding, that “ all my anxiety is for the sake of true faith, will “ condescend to give kind admittance to the said “ abbot, and to procure his being a partner in your “ sacred synod.”‡ Barsuma accordingly was introduced into the *Latrocinium* ; and after the reading of the letters last mentioned, he was admitted, on the motion of Juvenalis, to sit with the bishops, being the *only* priest who sat in the council, not proxy for an absent bishop.

* Ibid. 103.

† Ibid.

‡ Ibid. Καταξίωσάμενοι οὖν ἐν τῇ θεοσεβείᾳ συνήρουν ὡς πρὸς ἡμᾶς φησὶς περὶ τῆς ορθοδόξου πίστεως καθέστησαν ευμενῶς τῷ τῷ τῷ προσηρμένῳ ἀρχιμανδρίτῃ ἐπιδοξάζουσαι καὶ παρασκευάσαι αὐτοῦ τῆς ἱμετέρας ἐκκλησίας συνέδῳ παύσασθαι. Ibid. p. 126. Ibid. p. 115, 118, 119.

From the statement I have extracted out of the Acts, it appears first, that the *Latrocinium* of Ephesus was *not* the *first synod to exclude* priests from *judging*, but was the first to *admit* a priest, and abbot, by *allowance* of an imperial recommendation. Secondly, from the peculiarity of this favour, and the marked *allowance* in the council, of this privilege, it appears, that it was a new and unprecedented case. It is lastly manifest, that, if presbyters were entitled as such, or had been ever known to sit in councils, with *authority*, neither the Emperor would have recommended Barsuma on the score of sanctity and sufferings, nor as the representative of the Syrian abbots; nor would he have besought two Metropolitans to grant, in kindness, admittance to the man, or to *procure him* to become a partner with the bishops in council. When the cause of Eutyches was reheard in the *Latrocinium*, Barsuma declared, by an interpreter, that he received Eutyches as orthodox. When next the sentence of deposition was moved against the holy bishop Flavian, it would seem as if the atrocity of such an idea, as that which placed a presbyter in the seat of judgment on a bishop, had some effect to restrain the *privilege*, Barsuma said, "he followed his fathers" (the bishops); "that as they had condemned, he would condemn, because he *was certain* that they had transacted every thing in the fear of God."* However the disastrous precedent was but short-lived.

x 2

By

* Ibid, p. 319,

By the IV and VIII. canons of the general council of Chalcedon* monks were ordered to refrain from all ecclesiastical concerns; and superiors of monasteries, though in orders, were restored to the jurisdiction of their bishops. Marcian the Emperor also condescended to inform the Archimandrites of Jerusalem; that they were not doctors of the church.†

Let us now, from the *Latrocinium* at Ephesus, proceed to the fourth *general council* at Chalcedon. Dioscorus had carried every thing, in the *Latrocinium*, by outrage and military oppression. Eutyches is acquitted; Flavian is struck down by the assassins of Barsuma, and is carried away in banishment, only to die: the legates of Pope Leo escape with difficulty. A new council is demanded by the Pope, and is agreed to by Marcian, who had succeeded Theodosius the younger. Passing over the several points of impeachment and reprobation, on which Leo the Great and his synod of the West, as well as the Emperor Valentinian and Placidia the Empress, adhering to the papal supremacy, annulled and abjured the Ephesian conventicle, we find the Emperors Valentinian and Marcian seeking of Leo I. as of the governor and chieftain of christian faith, that a general synod, under *his* authority, should be convened for restoring peace among the bishops,‡ where-soever he pleased.§ The summons to the Metropolitan

* Ibid. 758, 759.

† Labb. IV. 853.

‡ Labb. IV. p. 62.

§ Ibid. p. 65.

politan bishops, is the same as that for the first council of Ephesus. After this was issued an imperial order to the governor of Bithynia to remove from *Nicea*, (where the council was originally to have been celebrated,) all *clergy*, even *those below holy orders, or degraded by their bishops* "unless they came by summons of the government, or *with the license of their BISHOPS*."* This latter intimation is somewhat *exclusive* of the right to "sit and judge," which *Columbanus* asserts. It shews at least, that the term *general council* did not *essentially* include the attendance of the "second order."

Of the FOURTH GENERAL COUNCIL, or COUNCIL of Chalcedon, the acts are in being, and are not only full, but prolix, as to the point in dispute. In the opening of the council, the senate and Palatines are first mentioned as assembled in the church of Euphemia: next "the *sacred and oecumenical council*, that is to say *Paschasinus and Lucentius*, and so forth." In the enumeration of this oecumenical council, are there not *presbyters*, it will be asked. Undoubtedly there are; but unfortunately for the new theory, those presbyters are proxies for absent *bishops*, and were there expressly *in the right of bishops*, not in any right of their own "second order." What is still more unfortunate, there are *deacons* on the catalogue, as well as *presbyters*, and those deacons are also the representatives of *bishops*. What is still more unfortunate, in the decree of the
faith

* Ibid. p. 69.

faith, bishops subscribe as *defining*, not only through the medium of *presbyters* and *deacons*, but through the intervention of their *subdeacons*, and *minor clerks* also.* In the decree of faith at Chalcedon, as was also the case in the council of Ephesus, those proxies who had been admitted to sit in the council, signed by the names of their bishops, which they attested with their own. In the sixth Action of Chalcedon, the full roll of the synod is displayed, and read over for the Emperor. Its preamble is, "The sacred, "great, and oecumenical council, hath defined the "things following." Next is the decree of faith, confirmed by the signatures. The signatures are of *bishops*. The proxy neither signs his own judgment or assent, nor appears in any other light, than that of an obedient instrument. The *bishop, though absent*, is he who judges, examines, and confirms. Accordingly as soon as, in the council, the long enumeration was gone over, the Emperor asks, "Let the reverend synod say whether the "definition, now read, was pronounced by the agreement of all *the worshipful BISHOPS*."†

Here

* Labb. IV. 586. Αἱ ἡμετέροις ἐπισκοπῶν ἐπιγραφὰ διὰ τοῦ ὑποδιακόνου μου . . . Ἰκατοῦ; ἐπισκοπῶν ἐπιγραφὰ διὰ τοῦ ἀναγνώστη μου. i. e. "I Elian,

"Bishop, defining, have subscribed through my *subdeacon* N: I Jobu,

"Bishop, defining, have subscribed, through my *reader*, N."

† Ibid. from p. 580 to p. 605. This roll above alluded to, contains the names of four hundred and forty-eight bishops, of which number, the proxies, (not bishops or Chorepiscopi) for absent bishops were, presbyters, 17; deacons, 8; subdeacon, 1; reader, 1. The sum
total

Here we might rest. We have seen by what spiritual authority, the faith was declared, and disciplinary laws were provided for the christian church in the first four general councils, which next after the Gospels are the four pillars of revealed truth. We have seen in the several declarations of those councils, as well as in the testimony which subsequent councils bear to those preceding; we have seen in the declaration of emperors, in the synodical professions of faith, and in the imperial letters, by which the two last of the four councils were expressly convened, that bishops composed those synods; that *episcopal authority alone* was competent to settle the faith; that *episcopal decisions* and *conciliary decrees* are synonymous; that not a presbyter, unless delegated by his *bishop*, had admittance to sit in such councils; and that, when empowered by his *bishop*, a deacon, or sub-deacon (this latter office being then not a sacred order) was equally admitted. Against these facts, against the authority of such councils, against the *possession of bishops*, witnessed by that same authority which has witnessed and established our christian faith, against the persuasion and acquiescence of all the churches, one would expect to hear some better reason than a reason of arbitrary inference from an arbitrary interpretation of an obscure text. One would

total of bishops who signed before the dissolution of the council, and of those whose consent was virtually included in that of their Metropolitans, was six hundred and thirty.

would expect to hear some text, some authority, at least some explicit assertion, made in those times, that presbyters "had a right to judge in councils of the faith, sitting with bishops." But no such assertion has been discovered. No such assertion can be found. The very Arian bishops, when reproached with being the followers of Arius, repel the charge as *absurd*; "How is it possible that we who are bishops, should be followers of a presbyter?"* Arius himself, though excommunicated by Alexander his bishop, had the modesty to write, "The faith of our forefathers, which we have also been taught by you, O Father and Bishop Alexander! is as follows."† The argument, for this pretended right, built on the authority of Eusebius has been proved erroneous. Over and above what was then adduced in refutation, it is time to observe that, if by councils, we will understand the multitude assembled, or the place of meeting, there were priests, deacons, and other clerks in the councils of Ephesus and of Chalcedon. The *acts* fully prove this; and yet it is equally certain, from the *acts*, that *bishops alone* were the judges of doctrine and of persons, and the enactors of discipline. How then were those others admitted? The acts will also inform you, that it was by the *authority* and for the service of *bishops*, or for the necessary purposes of a judicial meeting; that they were either proxies,

or

* Ημεῖς οὐκ ἀκολουθοῦντες Ἀρίῳ γενομένῳ, πῶς γὰρ ἐπισκοποὶ εἰς ἐκκλησίαν πρεσβύτερον; Socr. I. 7.

† Epiph. Hæres. 69 VII.

or notaries, or apparitors, or witnesses, or petitioners, or persons accusing or accused, or spectators, or disciples who came to hear the truth of Gospel faith.

Reverend Sir,

I am, &c.

L

LETTER

LETTER IV.

Of the manner of proceeding in Councils, as stated by Columbanus.—Perpetual mistakes of Columbanus on the Subject.—On the second general Council of Nicæa, and fourth of Toledo.

REVEREND SIR,

IF the question of *right*, on which I and *Columbanus* are at issue, had been undertaken by my antagonist, with any shew of deference for the rules of honest warfare, I would not add a single word to the demonstration I have presented: I would close the evidence of episcopal right with the authority of the first four general councils, against which all opposition of literary men is folly, at the best. These councils were *episcopal*, in every sense of the word. They were convoked of *bishops* only. In these councils, as we have seen, *bishops*, or their delegates, spoke, judged, and decided; nor was the christian world disobedient to the apostles, whose
authority

authority they contemplated in the episcopal succession. If the question therefore, whether *bishops* or *priests* are the doctors of faith and the legislators of discipline, had been discussed by *Columbanus*, with that liberal candour and in that temper of modesty, which truth exacts from its most zealous advocates; if his attempt to pluck down *usurping* bishops from their seats, had been conducted as an argument, not as an invasion; if the accuser had not also appointed *himself* to be the judge; if he had not so constructed the indictment against those bishops, as to afford the clearest presumptive proof, that his object was to pour contumely on the men, not to try the cause; if this indictment, so framed in the spirit of barbarity, had been addressed to *our* bishops, or to *our* priests, or to *our* catholic believing laity, instead of being shouted, as it has been, into the ears of their common enemy, as a justification of past cruelties and as a palliation for continuing oppressions; if, in short, the object of *Columbanus* had not been to criminate under the pretence of reasoning; to insult under the tricked up attitudes of maudlin enthusiasm, and to do irreparable mischief to the Irish Catholic church, while he deplores with ridiculous grimace, its servitude; I should have contented myself with establishing the point of right, nor would I have gone further into the exposure of that *learning*, by the pretence of which *Columbanus*, to speak most kindly, has deluded himself; and, to speak the fact, has attempted to deceive every man who will give

credence to his sincerity in *asserting*, and to his good faith in *quoting*.

From general councils, of which I have given the first four as the chief, and therefore, as the best instance, the natural progress of examination would be downwards, through *patriarchal* and *national* synods, to that most restricted convocation, which, in former ages, claimed the name of *council*. But, before I build up, I must clear away some rubbish. *Columbanus* has promised much and *minute* information on this subject, in a section of which you have the title below.* I will not now expostulate on its departure from that which he had undertaken to establish, namely the right of *judging*: neither will I remind you, that the right of *subscribing* we have seen to be negatived to *priests*, as such, by the councils of Nicea, Constantinople, Ephesus, and Chalcedon. I will not so much as protest against the attempt thus made to confound every species of councils under one head, and therefore to delude rational men by a heterogeneous consolidation. But I will proceed at once, to his text and proofs.

“In the African councils,” says *Columbanus*, “next after the *Metropolitan* followed the *bishops*, “whose days of consecration were most remote.”† If by “African councils” be understood the councils
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* *Columban. IV. Letter p. 58. Sect. 4. Of the precedence to be observed in councils, and of the right of attending, discussing, and subscribing.*

† *Columban. ibid.*

of the five African provinces,* the bishop of Carthage did undoubtedly preside; but not as a Metropolitan.† If by "African councils" be understood, councils held for any of the six provinces, exclusive of Carthage, the senior bishop who convoked, was also president of the council. Now, all this premised, what has it to do with the rights of priests of "the second order," to *sit and judge in councils on points of faith and discipline*?

"In the Eastern councils," says *Colúmbanus*, "the *priests and deacons* who attended as *proxies* for *absent bishops*, had the same rank with the bishops whom they represented, as appears from the subscriptions to the two general councils at Nicea, the two at Constantinople, those of Ephesus and Chalcedon,‡ and several others." Now, if all this were as true, as it is partially and inaccurately

* i. e. Those named in the collections *Concilia Africana*.

† In the ecclesiastical language of the African church, after the reign of Constantine, the term *Metropolitan* signified what is now understood by the phrase *primate of the national church*; whereas the term *primas* or *senex* indicated the senior bishop in each of the six lately erected provinces, viz. the three Mauritaniae, Tripolis, Byzacena and Numidia, of which last, the *primas* or *senex* took precedence after him of Carthage. These *primates* or *senes*, were, *pro tempore*, *Metropolitans* in the meaning and for the purposes of the fourth Nicene canon. They assembled provincial synods, and authorized the ordination of bishops within their respective districts. At the same time, they were bound by usage to attend the national synods, to be convoked by the bishop of Carthage.

‡ *Columban. ibid.*

rately thrown out, how far can it help the assertion, that priests "of the second order," are judges of faith and discipline in councils by *right*? "In the Western councils, those priests and deacons, who were *proxies for absent bishops*, signed in a *distinct column*, as in the council of Arles and others.*" If even true, what is this to the purpose?

Columbanus proceeds. "In the council of Pisa, 1409, the cardinals sat on the highest seats;—the bishops and abbots on both sides of the Nave;—the deputies of chapters and monasteries, under these: the doctors and ambassadors in the *parterre*. This also is the order which Campegius followed."†

Not so fast. From the council of Arles to the council of Pisa, is a right able skip of one thousand and ninety-six years. The chasm is too broad to be filled up by an *etcetera*, tacked to the council of Arles. Now this I do not take to be the *minute* examination promised by *Columbanus*. It is the minuteness that would strain at the gnat occasionally. Besides, I find here an entire change of plot. Hitherto we had learned how priests and deacons, *when proxies for bishops*, were treated in councils. Not a word of priests and deacons, *not proxies*, heretofore. In the twinkling of an eye, and by only annihilating a whole millennium and upwards, the *proxies* vanish into air: we have *cardinals* sitting highest; we have *abbots* on both sides of the nave; deputies from
chapters

* *Columban. ibid.*

† *Columban. ibid.*

chapters and *monasteries*; and we have *doctors* in the *parterre* of a general council, all *sitting* to a man! Is this council of Pisa alleged in proof of the right of *proxies* for *bishops*? No surely, for the *proxies* have disappeared. Is it quoted in proof of the right of priests "of the second order," and having the care of souls, to judge on faith and discipline? No: for neither are those priests found sitting in this council of Pisa. What then can it prove? Is it that *chapters*, *cardinals*, *doctors* in universities, *abbots*, whether Benedictine, Cistercian, or Carthusian, priors of Franciscan, Dominican, and Carmelite-houses, have the right of *sitting* in councils, as representing the *seventy two disciples*? Were those degrees and denominations, recognized by the first four general councils? If they were not, (and as they did not exist, they could not be recognized,) I hope it is rational enough to infer, that, if those doctors, abbots, priors, and deans or syndics are names and titles of recent and human creation, it is necessarily in consequence of positive law, that they came to sit in councils. If by positive human institution, it is equally manifest, that such institution can neither give, nor prove a *divine* right in those privileged persons; much less can it prove (as the argument of *Columbanus*, if it means any thing, must seek to establish,) a divine right in those *priests* "of the second order, having the care of souls," who appear after all to have had no share in these new privileges.

"Such

“Such however,” says *Columbanus*, “was the order followed by *Campegius*. Cardinals, Archbishops, bishops, and abbots, occupied the first rank of benches in a circle. Next after and behind them was the *Corona Presbyterii* or second order of the clergy.”* This is *not* the order, lately given from the council of Pisa.

“The manner of proceeding is regulated by the fourth canon of the fourth council of Toledo, which the author of the *Traité de l'Etude* justly observes is much more ancient.”† We have seen already, that the council of Toledo merely established a form for the opening of provincial councils, which entertained no discussions of faith, and enacted no new laws of discipline. Whether the observation from the book, called *Traité de l'Etude*, that this canon is far more ancient, derive much or any weight from the remark of *Columbanus*, that the observation is *just*, it is for you, or more idle speculators than you to determine. But again to *Columbanus*. “When the church was opened, the bishops entered first.”‡ True. You have only to add from the canon, “let all the bishops meet, and enter together, and take their seats according to seniority of consecration.”§

“Next

* *Columb. ibid.*

† *Columb. p. 60. and in note. ibid.*

‡ *Columb. ibid.*

§ *Convenientes omnes episcopi pariter introeant, & secundum ordinationis suae tempora resideant.*

"Next," says *Columbanus*, "*the priests entered, then the deacons, then the notaries.*"* True enough. The priests entered *next*. But, *after* the bishops entered, and *before* the priests entered, is there not something more than the *mere delay* of a procession, headed by bishops? Does not the canon say, "After the entry of *all* the bishops, and after they have been seated" (which, I will presume to say, is equivalent to the phrase,—*After the synod has been constituted,*) then, and not before "let *those priests* be *summoned*, whose introduction is warranted by *good cause*. Let no deacon force in amongst them; *after them*, let those approved deacons enter, *whom the bench of bishops shall demand*. Then *let such laymen enter as shall have been privileged by the choice of the council, to be present; and* **"LET THE DOORS BE LOCKED."**†

I can pass over in the *manner of proceeding*, as given by *Columbanus*, one or two small mistakes; as for instance, the substitution of *metropolitan, president, or preacher* for *metropolitan*; and the *exhortation to fear God, and not to swerve from truth*, which he has given in lieu of the *call to each person aggrieved, to state his complaint through the arch-*

M deacon;

* *Columb. ibid.*

† Post ingressum omnium episcoporum atque consessum, vocentur deinde presbyteri, quos causa probaverit introire. Deinde ingradientur diaconi probabiles quos ordo poposcerit interesse. Deinde ingradientur laici qui electione consilii interesset meruerint et obserentur januz.

deacon :”* but I must not pass over in *Columbanus*, the fabrication that follows. “When the discussions terminated, *all who were present*, bishops, “*priests, and deacons*, signed the decision.”... Does the fourth canon of Toledo say all this? It says no such thing; and we do not forget, that not only *some priests, and some deacons*, but also *some laymen might* be present. Thus far we can collect, from what precedes. Of course the order that all PRESENT should sign, would comprehend *more* than bishops, *priests, and deacons*. But the *canon really* says, “Let no person attempt to break up the council, “until all matters are finally decided : provided also “that the BISHOPS shall sign *individually* whatever “they may have finally adjudged by their deliberations “*in common*.”† The text is below. The reader will judge whether *Columbanus* by adding *priests* and *deacons*, in his *minute* examination, has advanced the cause of truth : whether he has gained any decent pretext for his triumphant conclusion,” “Were “these synods *secret* ? were they *exclusive*.”‡

* *Metropolitanus episcopus concilium alloquatur dicens : ecce ..re-
citatae sunt ex canonibus...sententiae de concilio celebrando. Si qua
igitur quempiam vestrum actio commovet...proponat...Nam si aliquis
concilium crediderit appellandum, ecclesiae Metropolitanae diacono
causam intinet.*

† Concilium nullus solvere audeat, nisi fuerint cuncta determinata ;
ita ut quaecunque deliberatione *communi* finiuntur, episcoporum *sin-
gularum* manibus subscribantur.

‡ *Columb. ibid.*

What synods does *Columbanus* allude to? Is it to the synods for which he has *invented* a *manner of proceeding*, as if out of the *fourth canon of Toledo*? With regard to such synods, it would be no easy matter to define what they were or were not. Does he ask concerning synods, formed on the basis of the canon of Toledo? If so, undoubtedly such synods *were* secret, and were *exclusive*. They were exclusive as to priests "of the second order;" because they did not permit *all* the priests, to enter along with all the *bishops*. They admitted *some* priests, and such priests came in *by invitation*, and upon *good cause shewn*, of which the *bishops* were judges. They admitted only such of the deacons, and such notaries as the bishops demanded, and such only of the laity, as the council thought proper. Lastly *the doors were locked*. If *Columbanus* had not thought fit to dissemble all these circumstances denoting *selection*, and *exclusion*, and *secrecy*, how could he ask, "Were these synods *secret* or *exclusive*?" If he had not also *enriched* the text by the addition of "*priests and deacons signing the decision*," how could he have appealed to this canon for their right of *attending*, *discussing*, and *signing*?

Columbanus next relates the *manner of proceeding* in the councils of *Constance*, of *Ferrara*, of *Trent*, as well as in the conventicle of *Basle*;* that is to say, he refers to those times, when Universities, Abbots, General Ministers of Friars, and capitular deputies

were

* *Columb. ibid. p. 61 to 66.*

were *allowed* the privilege of assisting at councils. This is not the way to prove either a *divine* right or a right connected with the fourth canon of Toledo.

“ At the second Nicene Council,” says *Columbanus*, “ the pope’s Legates invited the Emperor and Em-
 “ press to sign. The patriarch presented them the
 “ book containing the definition of faith, . . . The Em-
 “ press Irene *signed first* and then gave *the pen* to
 “ her son Constantine, who *signed* after her.—The
 “ Legates appear first in the order of bishops,
 “ then Tarasius, next John and Thomas, Legates
 “ from the *oriental apostolical sees* of Elia or Jerusa-
 “ lem and Alexandria; *then follow* bishops to the
 “ number of 377; next abbots, *monks and priests of*
 “ *the second order*, whose names were *too numerous to*
 “ *be given.*”*

Where did *Columbanus* find all this store of anecdote? If we can trust the Greek acts of the second Nicene Council, the decree of faith was published and signed at Nicea and notified by a deputation from Tarasius to the Sovereigns.† This done, the Emperor and her son sent a precept to Tarasius, desiring that all the *bishops* should adjourn to Constantinople, which was obeyed. The two Sovereigns ordered this COUNCIL, namely *all the bishops* from Nicea, to meet in the palace and to declare whether
 the

* *Columb.* p. 66.

† *Action.* VII. *Lab. concil.* T. VII. 351. *ibid.* ex *litt.* *Tarasii ad Imp.* p. 583.

the definition then read* was *their common agreement*. This being answered in the affirmative with anathematisms, the patriarch Tarasius offered the *book of definition* to the Empress, who signed and passed it to her son to be subscribed by him. The book was then returned to the patriarch by an officer; upon which all the bishops threw out acclamations, and so forth.†

I will not quarrel about the metamorphosis of the *book* into the *pen*; or of *Tarasius* into the *Legates of the pope*. Neither will I dispute on the number of 377 bishops, though undoubtedly erroneous, or on the propriety of styling the new patriarchate of Jerusalem, the *apostolical see of Elia or Jerusalem*. I will fix on no mistakes, but such as capitally misrepresent, in order to establish “priests of the second order” as judges of the faith in councils.

When *Columbanus* tells you, “that the Empress *signed first*, the definition of faith; then her son;” when he immediately adds, “the *Legates appear first* in the order of bishops, then bishops, next, *Abbots, Monks, and priests of the second order*, “whose names were too numerous to be given;” is it not plain that he asserts those *Abbots, Monks, and Priests* to have *signed* the definition of faith, and that moreover *Columbanus* relies on some historical document, stating the names to have been omitted, on account of the number?

All

* P. 590, 591. Action. VIII. held at Constantinople in the palace of Magnaura. Πᾶσις ἐναντιόθεν ὁμολογῶντες. “We have all unanimously signed.”

† Ibid. 594.

All this is against the truth and the fact. Because first of all, as you have seen from the acts of the council, the definition of faith had been signed at Nicca by the *bishops*. Secondly, because *not a single Abbot or Priest* of the second order, saving proxies for bishops, and one* priest, being a bishop elect, did sign, or is mentioned to have signed the definition of faith, and all these signed *amongst* the bishops according to the rank of their *places*. Thirdly, Abbots and monks representing abbots did sign a *declaration* in the *fourth* session, whose names we have in the acts; their number is one hundred and thirty-one.†

Of this second council of Nicea the occasion is well known. The Iconoclast Judaizers had continued for several years to persecute with marked and singular barbarity, the monastic orders, and lastly, in a false council, they proceeded to anathematize, in short, the entire of the christian world. Their violence and cruelty betrayed their impotence. In less than a year after this furious convention, another council is summoned by the orientals, but is dispersed by the Imperial guards through the practices of the Iconoclast bishops. At length a general congregation from the three ancient patriarchates is brought about, by Tarasius of Constantinople, to which the monks as zealots for the faith, attended their abbots. What privilege of *defining* in councils those monks assumed, will best appear from the very acts.

The

* Labb. VII. 371.

† Labb. VII. 339 to 343.

The stile of this council, in recording each of its sessions, is as follows. "The *sacred and universal* "council being convened in the Metropolis of Nicea, "that is to say, Peter the archipresbyter of the church "of Saint Peter in Rome, and Peter, priest and "and abbot, representatives of the papal see, Tarasius of Constantinople and these BISHOPS;" [names] "and these having taking their seats before the "chancel: there *being also present and listening*, "Petronas, Exconsul and patrician, John the chancellor and chamberlain, and the archimandrites, "abbots, and monks; and the holy Gospels being "set up in open view."*

Here, I think, there is a distinction very intelligibly marked, between the *council* and the hearers; between the *synod* and the officers and abbots: in short, between episcopal authority, and privilege of admission.

In the first session, the letter from Constantine and Irene is read. Its address is, "To the Reverend BISHOPS
"convened

* Labbe VII. 39 Act. 1. In Act 2. 95 instead of names at length, it runs, And the bishops with Tarasius and the legates with the addition of *all the monks* present and listening. In Act 3. 154. the same as in Act 1. so in Act IV. 195. In Act V. 346 in Act. VI. 390 in Act. VII. (the last held at Nicea, and that which *defined*) the same (p. 543.) as in the first session. The catalogue of bishops and proxies however, is considerably increased and amounts to 347. That this was very nearly the number, we have the authority of a discourse pronounced in the council in the seventh session by Epiphanius, from Sardinia (Labbe. p. 623.), who informs us that they were 350, the *successors* of the 318 who had met of old, in that city, Nicea.

“ convened in the synod at Nicea ;” * its exhortation is, that they shall judge justly and without fear. Two penitent bishops are restored. The cause of seven other bishops is debated. Some abbots spoke, but declaring that they sought instruction ; † and although it was plain that they were averse to the restoration of their persecutors, insomuch that some of the monastic chiefs absented themselves from this first meeting, yet they declared they would abide by the judgment of the synod. ‡ The question being put, “ Are all agreed to receive these bishops ? The *sacred synod* said : “ All are agreed. The *monks* shouted : “ *We also* are content.” † Here also, I perceive that the *synod* is distinguished from the *monks*.

In the *second session* the cause of Gregory of New Cesarea, a principal of the Iconoclast bishops is commenced and adjourned, in order to give a reading to the letters from the pope. This done, the legates interrogate first Tarasius, and then demand of the *synod*, whether they adhere to the faith declared. Tarasius separately, and then bishops and proxies, (in all two hundred and sixty four) pronounce in succession their adherence with anathematisms. The legates ask no further ; so that even

* Ibid. p. 50, 67. Διεμειβα διερωνία διδασκαλίας.

† Εἰς τὴν ἐκκλησίαν ἀπαμειβόμενος ὁ ἀγιος ἵμμεν συνόδῳ διχομήτα. p. 83.

‡ Ἡ ἁγία Σύνοδος εἰπεῖ· ζητοῦμεν πᾶσαν. Ὅτι οὐλαὶ μοναχοὶ ἐξέβησαν. Καὶ ἵμμεν ἀρίστη. p. 86.

even those legates could distinguish the *council* from the *attendants*. But the *synod*, of its own accord, calls upon the *monks*. Attend to this passage, and observe how happily it coincides with the assertions of *Columbanus*. When the last bishop had delivered himself, "The sacred synod said; It is just that the monks *also* should declare aloud: the monks said; If there be any rule that even monks as we are, should declare aloud, we will obey you. Tarasius the patriarch said; The rule is, that *every person who is on the spot*, where a synod is holden, shall audibly speak out his confession of faith."* Upon this, Sabbas and all the other abbots (for all the monks had come to this second sitting) declared their assent and consent to the letters of Hadrian.†

What becomes now of the *divine* right? What becomes of the right of *judging*, for those abbots and monks? Tarasius allows just as much authority to monks and abbots, as to laymen. As to *priests and deacons*, we hear nothing about them from the acts, although they *appear* in the phrase of *Columbanus* to have *signed* after the bishops. There is something in the words of Tarasius, still more fatal

N

to

* Labb. *ibid.* 151. Η ἀγία συνόδος εἶπε· δικαίον ἐστὶν ἵνα καὶ οἱ εὐλαβ. μοναχοὶ ἐκφωνήσωσιν. Οἱ εὐλαβ. μοναχοὶ εἶπον· οἱ ἐστὶν ἰαβεῖς αὐτῇ ἵνα καὶ οἱ μοναχοὶ ἐκφωνήσωμεν, ὡς κελεύει. Ταρασιὺς δ' ἀγίων. πατρ. εἶπεν· ἡ ἐκείνη τῶν ἐκκλησίων ἐνισχυομένη εἰς συνέδριον, ἐκφωνεῖ τὴν ἑαυτῆς ὁμολογίαν.

† But without anathematisms. The addition, in the Greek, to the profession of Sabbas, καὶ προσκυττω, etc. is supposititious. It appears neither in the old version, nor in that of Longolius.

to the pretended right. He holds it for a rule, when a synod is holden, (and you will grant now at least, that the *synod* at Nicea, meant exclusively the *episcopal* authorities there sitting,) that every man who is on the spot, whether of the synod, or not, is bound to declare his creed. A layman for example, will not be suffered to call in his friends: a priest "of the second order," will not be privileged to quote his *own* works. The *synod* hears and finally determines all causes of faith, and in the *synod*, *bishops alone* are the judges in the last resort, as in the first instance.

In the third session the cause of Gregory is continued, and the case of the seven bishops, concerning whom it had been adjudged, that Heretics, not principals, converting to orthodoxy, should be received in their *orders*, is called on for final judgment. Against the bishop Gregory the outcry of the monks was chiefly directed: he was charged by common report, with active persecution; and he had been a leading prelate in the Iconoclast pseudo-synod. Tarasius inclined for his re-admission. The abbots argued, and then apologized for having argued: a compliment is paid them by Tarasius: "I commend you as zealots for the canons and "evangelical ordinances."* The monks now remain silent, and Gregory, with the other bishops who had abjured the heresy, are installed by order of the *synod*, in their respective seats;† after which immediately,

* Ibid p. 139.

† Ibid.

mediately, the council resumed the consideration of the letters from and answers to Tarasius, in his correspondence with the other patriarchal sees; that it might be decided whether this correspondence accorded with the letters of pope Adrian, which had been adhered to. It was agreed by the bishops, *viva voce*, in the affirmative; and thus the third session closes; the monks having adhered to the letters of Adrian, on the summons by the council to speak, having argued against the restoration of certain bishops, but professing their submission to the council, and finally having witnessed those bishops, against whom they had so argued, notwithstanding reinstalled by the synod.

Of the fourth session the greater part is taken up in the reading of authorities, long anterior to the Iconoclast impiety, and in the hearing of arguments superfluously alleged in vindication of the christian practice. In this respect the council was excessively condescending, perhaps wisely so. After a long hearing, in which few points are entitled to remark in this dispute, as it mainly went to convict the Iconoclast king-courting assembly, of gross suppression of the truth, and of grosser forgery, (the essential features, without which heresy is but pitiable misfortune in the *many*), a declaration of all that had been agreed in the synod, is framed; namely of the adherence to Hadrian's authority; the acceptance of the letters, to and from the other patriarchates, and the re-admission of repentant Icono-

clasts, which latter point the monks had warmly but dutifully contested. This declaration containing nothing more than what had been decided in the first, second, and third sessions, was signed by all the *bishops* and *episcopal* proxies to the number of 336 of whom were *proxies* 35, that is, presbyters, 29, deacons 6.* After these the abbots, as already mentioned, in number 131 subscribed.† In what meaning whether of *judging* or of *acquiescing*, they so put down their names, Tarasius has already informed you in the second session.‡

In the fifth session, the doctrine of the Iconoclasts is shewn to be that of the great opposers of the Gospel. In the sixth session, the definition of the false Iconoclast convention, is refuted at length.§

In the seventh, the definition of faith is promulgated and subscribed by all the bishops and episcopal proxies, each of these subscribing as a final judge, and in number 347 or 348, whose signatures remain extant.¶ No other subscribed. No abbot, no presbyter

* Labb. *ibid* from p. 322 to p. 339. † In sequent *ibid*.

‡ In the eighth general council, held against Photius, and of which it is enough to say, that it was as *exclusive* as that of Ephesus, not only the bishops returning to the Catholic communion, but all the clergy of Constantinople were required to sign the declaration formerly ordered by Pope Nicholas, and revived by Adrian II. Not. Anast. ad Libel. Act. 1. Conc. CP. IV. Hardouin V. p. 775, and Labb. VIII. 990. see also the letter of Theodorus Studita. *episcopus constantinopolitani* against the Nicene council.

§ Gregory of Neocæsarea was appointed to read the *definition* of the mock council, in which he had been prominent. *Epiphanius*, on whose

by me, no deacon. Of course no other signature could appear. Of the eighth and formal session in Constantinople enough has been said at the commencement of this review at the second council of Nicea.

Every thing therefore alleged by *Columbanus*, under colour of any proceedings in this second council of Nicea has totally failed of support from truth. Perhaps the facts decide against him. Unless you think, with me, that they do *most evidently*, I give up this council. But I wish you to take notice that this general council is the first of all, in which heads of monastic orders were allowed to parley. The condition of those men had been advancing in importance, from day to day in the east, during four hundred years. At the period of this council, abbots were generally priests, and, when priests, received episcopal benediction, whereby they were privileged to ordain readers for the church service of their monasteries,* thus replacing in some degree, the chor-episcopi.

Looking back to my pages in this letter, I tremble for your judgment on my tediousness. I had undertaken to go over the history of provincial councils: I was led by the subject to encounter the manifold errors of *Columbanus*, in his minute review

whose authority the number of bishops has been stated at 350, against *Columbanus*, read phrase by phrase, the refutation. *ipsum in scriptis per totum*, from 538 (Labbe *ibid.*) to 575

* Nicen. II. Can. XIV. Labbe *ibid* 607.

review of the *manner of proceeding* in councils; though loath to follow in the mazy track of a writer, who, always desultory, is never so without a drift, yet I cannot break off, at this point, without informing you that *Columbanus* after skipping from the council of Arles to that of Pisa, in 1409, and back again to the second of Nicea, jumps forward a second time from the eighth to the seventeenth century and alights on the diocesan council of Malaga,* in proof of "the manner of proceeding" in councils. His next step is to the *Irish council* of Kilkenny.† I would if possible, save myself by protestation from intermeddling in the latter council: as to that of Malaga in 1674, let its authority go as far as the uttermost stupidity will tolerate on the present question. It remained only to quote the council of 500, when Buonaparte returned from Egypt. But *Columbanus* seems to hold *such councils* for decisive, and asks again, "were these councils exclusive? were they secret? were they held with locked doors?"‡ Other things he adds as explanatory of the Gospel of Saint John, Ch. xv. but as strangely misunderstood as unbecomingly misapplied.§ To the questions so

* *Columb.* p. 67.

† *P.* 69.

‡ *P.* 70.

§ *Ibid.* "The distinction made by *St. John* between the Jewish synagogue and the christian church is that the former enslaved, the latter did not; the members of the latter were not deprived of the knowledge of what passed in the assemblies of their clergy: every thing was public, every thing was known. Jam non dicam servos, quia

"servos

often repeated whether those *synods* were *exclusive*, or were *secret*, I have answered from the regulation of the fourth of Toledo, and from the practice of general councils. I have shewn, that the authority was *exclusively* the authority of *bishops*. I have placed this truth in meridian demonstration. With regard to *secrecy*, if, by this term, Columbanus would mean the practice of debating *confidentially* amongst the bishops, or with the admission of such only as *they* thought fit to associate, to the rejection of all others, I presume that such is the practice of every legislative body, and such is the right of every legislature.

But

"*servi nescit quid faciat Dominus suus. Johan. XV.*" These Latin words (which also are employed in the ordination of priests in the Latin church) mean: *No longer will I call you slaves, because the servant knows not the purpose of his master.* Columbanus informs us, that these words convey the distinction, made by Saint John, between the *synagogue* and the *christian church*. Saint John himself assures us, that they are the words of Our Lord to *eleven* of his *twelve* apostles, after the institution of the eucharist. "No man can have greater love, than if one should lay down his life in the behalf of his friends: you" addressing the eleven "are *my friends*, if you will perform what I have enjoined you. No longer will I call you slaves; because the slave knows not the purpose of his master: but you I have entitled *Friends*, because to you I have manifested whatever I have heard from my *FATHER*." Such is the passage which Columbanus, with surprising levity and irreverence, quotes, 1st, as the observation of Saint John: 2nd, as furnishing a distinction between the *synagogue* and the *christian church*; lastly, as proving, that in the *assemblies of christian clergy*, all is *open and public*: whereas the very discourse is meant to impose a singular trust, and to declare an *exclusive* reliance on the *apostles*, and *their successors who are the Bishops*.

But "the doctrine of *exclusive synods*," *Columbanus* "is unknown to the scriptures; unknown to the usage and tradition of apostles; unknown to the usage of christians, inasmuch as it would reduce synods to secret conventicles, assimilating them to the dark tribunals of the *Holy Office*, degrading them to the intriguing and calumniating sect of the inquisition, and destroying the noble dignity of the candour, and the plain dealing of a religion which fears no inquiry, which challenges the light of day, and looks not to cunning or to craft, but to the spirit of God for its preservation."

So then, good and zealous *Columbanus*! When Jesus ordered Judas to go out, although one of the chosen twelve; when the apostolic meeting, delivered from the traitor, and presided by the Son of God, was admitted to the participation of the new mystery and of the parting secrets of his heavenly kingdom; when this same Lord took three out of his twelve select apostles, up to the mount, and there, on Thabor, disclosing the magnificence of begotten Deity, appeared in robes whiter than snow, and countenance sent forth rays like the Sun; when, raising up the damsel, he cast forth all from the chamber, unless his three chief apostles and father and mother of the young maid: when he explained in secret, all his parables to the twelve; when he held discourse with Nicodemus in the night

when he hid himself not only from his sanguinary enemies, but from those whom you consider the founders "of the second order of priests;" when he charged Peter to be silent on his divinity; when he refused to declare his Majesty to the Jews; when, breathing again, after death, he manifested himself to the ELEVEN; when he concealed his youth from the world; is it true that JESUS *feared inquiry, and dared not to challenge the light of day*, on his life, his doctrine, his titles, his miracles? Is there no *secrecy* but that of impostors and tyrants? Is there no refuge, no asylum for innocence, for right, for any the most sacred things, against intruding boldness, against riotous effrontery, against Herodians, informers and sacrilegious spies? "Be on your guard," says HE, "against mankind; for they will BETRAY you."—"Cast not your pearls," says HE, "before the swine." HE wills not his doctrine to be hazarded upon those, who traffic in religious merchandize and parasitical liberality: HE *absconds* from the men, who, in *his* government, are ever ready to discover *treason* against Cesar; but who, in Pilate and in Herod, are ever prompt to recognize wisdom, and justice, and generous dealing.

You, *Columbanus*, are pleased to consider *exclusive* synods, (by which appellation, unless you mean *synods* not accessible to every christian of the same faith, you convey no intelligible meaning,) as resembling the dark tribunals of the Inquisition. Is it then your principle, that there can be no *confidence*, unless for the object of prejudging the
o
absent?

absent? The iniquity of that system which prevailed in the *Inquisition*, was, not that it proceeded to *arraign* on ex-parte evidence, (for such you know was the turn of the civil law in *public* crimes, and such is the borrowed *custom* amongst us of finding *bills* by inquest of grand juries); but that *it gave no redress to the party injured*, although an innocent was subject to the loss of liberty and to probationary *torment*, upon anonymous evidence. Now pray, *Columbanus*, in what *exclusive* synods have *absent* persons been arraigned or prejudged? Nestorius complained indeed that he had been condemned, though absent: Eutyches complained that he had been condemned though absent: Dioscorus complained that he was condemned, though absent: Arius himself complained that he was tyrannously condemned. These four impious men were the subjects of trial in the first four general councils. They were condemned, but they were cited yet they were sentenced, though absent. In modern *exclusive* synods, has any *man* been arraigned or condemned? Have *you* been condemned? While *your* impunity bears witness to the forbearance of *exclusive* synods, how will you presume to compare the *reserve* imposed by the anti-catholic laws, or superinduced by the calamitous situation of our clergy, to the tribunals of the inquisition?

Our religion, you say, challenges the light of day. Its fundamental principles and its practical influence, I freely allow, defy the most malicious scrutiny.

But

But, *Columbanus*, we distinguish here in Ireland between the principles of a religion, and the special offices and confidential duties which it upholds. In our Catholic religion, we esteem *confession* to be of divine origination. Yet confession is made in such secrecy, that we hold the duties of secrecy and confession to be correlative; to be equally binding, and equally mutual. The practice is then *exclusive* in the highest sense. Shall we call this practice unchristian, because it *does not challenge the light of day*.

"The doctrine of exclusive synods," you say, "is unknown to scriptures; is unknown to the usage and tradition of apostles." With you, *Columbanus*, whom the four evangelists are as little able to withstand as the first four general councils; with you, who inform us* that in *one* instance the apostles met *foribus clausis*, although the gospel to which you allude gives *two* instances† of such meeting within fifteen lines; with you, who can tell us that by *disciples*, Saint John meant others besides apostles, whereas Saint John perpetually calls them by this name and never once mentions the term *apostles*, in his gospel; with you, who, because the apostles were assembled, on the day of resurrection, with *their company*, whether of men, or women, or children, can infer not only that the said company was made up of the *disciples*, but that the meeting was a *synod*, or had resemblance to a synod; it is perilous, very perilous to argue

* Columban. 4th Letter.

† John xx. v. 19, and v. 26.

argue on the things *known or unknown to the scriptures, and to apostolical tradition*. However, deferring to another time the inspection of your opinions concerning the priests “of the second order” in the council of Jerusalem, I will just beg to suggest an authority, first set forth *by yourself* as authentic, in your first Number. You will easily recollect those canons of the council of Nicea which you considered so unquestionable, as to ask whether the catholic bishops would resist a decree of that council “*as the pharisees opposed the miracles of our redeemer*.” The canons which you quoted so exultingly are *not* of the council of Nicea, I grant: the compilation was certainly not perfected before the eighth century; but *you* surely received as genuine what you quoted for the purpose of levelling our bishops to the character of antichrists.* Look, *Columbanus*, at this. “Constitutions by the bishops at Nicæa, chapter XII. On episcopal conferences or synods. Whenever bishops meet their metropolitan, to treat, examine and duly to judge of any matter, let not the bishops decide without the chorepiscopi and archdeacons of the towns and hamlets. Let *neither priest nor deacon* be introduced to their secret discussions, unless on account of extraordinary learning, skill and religion, an individual be wanted.”—“But if it be a plenary synod, in which either the *metropolitans or bishops are parties*, in such case, it shall not be lawful for priest, deacon

* *Columb.* Letter 1.

"*deacon, archdeacon, or chorepiscopus*, to be in the session."—"As soon as all have taken their proper seats a bishop shall stand up and cry aloud,—Whosoever is no bishop is adjured and interdicted by the living and potent word of God from tarrying in this council; every man is similarly adjured and interdicted from listening, at either doors or windows, to what is uttered here. After this proclamation, let *the doors be closed*."*

Again and again I repeat, that I do not allow this compilation to be of the first Nicene council. I see that it bears the evident marks of additions and interpolations

* Labbe. II. 353. In nova versione constitution. Arabic. Concil. Nic. Cap. II. De Episcoporum collationibus seu synodis & conciliis. Quoties conveniunt Epi ad suum Patriarch. vel metropolit. de aliqua re in *illa* synodo facturi & ut oportet scrutaturi & judicium laturi, nequaquam aliquid decident aut decernant archiepiscopi illi sine chorepiscopis & archidiaconis qui sunt in his regionibus, nempe pagis & vicis. Nec eorum adsit *secretis ullus presbyter aut diaconus*, nisi *ille* opus sit propter multam ejus scientiam doctrinam & religionem.—Porro si synodus magna fuerit, in qua dispiciendum sit de metropolitanorum & Episcoporum causis, nemini fas erit cum eis considerare, neque presbytero, neque diacono, neque archidiacono, neque chorepiscopo: sed consessionis preparato loco, et sedentibus singulis secundum suos ordines, stet episcoporum unus & alta proclamet voce: Quicumque episcopus non est, non liceat ei, per VERBUM DEI POTENTISSIMUM ET VIVUM, in hoc magno commorari concilio, nec etiam cuiquam liceat per idem potentissimum &c. ex portis aut fenestris auscultare [iis] quæ in eo dicantur.—The *illa* and *ille* I have set in Italics, as I conceive them to be mere servile translations of the redundant *definite article*.

interpolations down to the eighth century. But I am still free to consider each of its canons, on its own distinct and special grounds of probability. I care not whether this collection have been, or not of authority for the eastern sectaries; for Nestorians, separated since the fifth century from the catholic church, as well as for Egyptians, separated in the same age. I will not argue on the coincidence of the regulation now quoted with the fourth canon of Toledo, as to *shutting the doors*; because, although *Columbanus* esteems this last mentioned canon as very ancient and of high authority, yet in his hurry to decry *exclusive synods and barred doors*, he omitted that part of the trusty *Toledo*, which directed *the doors to be bolted*. What I would suggest is mere common sense. A *practical* direction is given in the canon for holding synods: granting the canon to be a fabrication, as fathered on the first Nicene council, yet it is plain that every fabrication which goes to further a *practice*, has in view a practice still subsisting, or a party or an interest capable of being abetted. Now, in the east, the chorepiscopi were not a regular known class, even at the time of the council of Ephesus. In the beginning of the fifth century they were almost extinct in the east; in the sixth, they were completely so. When the western empire was revived in Charlemagne, *Columbanus* knows, what obstinate disputes prevailed in France on the office and powers of a chorepiscopus, which could not have taken place, unless the dignity so entitled, had already

already been extinct in those countries where it originally arose. This canon, pretended to be of Nicea, gives a rank in councils to the *chorepiscopus* as well as to the *archdeacon*. Of course we must grant, that the former as well as the latter of these offices, was surviving, at the time of enacting or of forging this canon; consequently, it is of twelve hundred years standing, and thus it is 500 older than that *Inquisition*, to the idea of which *Columbanus* now tells us the exclusion practiced in synods has brought down the honesty of the Christian religion.

"Four apostolical synods," says *Columbanus*, "are mentioned in the Scriptures: in all these it will be found that the *second* order was present as well as the *first*. In the *third* of these, but *four* apostles were present: all the others were of the *second* order and of the *third*."*

Let us review those four synods. "The first was held for electing an apostle to replace Judas, and the second order was present as well as the first." Mercy on us! an apostolical synod convoked before the descent of the HOLY SPIRIT! The "second order" was there, says *Columbanus*. The *Acts* inform us that many were there: that one hundred and twenty persons were † assembled in one upper story, awaiting the Paraclete, as our Redeemer had ordered. Now, adding eleven, the number of the faithful apostles, to seventy-two disciples (whom *Columbanus*, by main force was resolved to make priests
" of

* *Columb.* p. 54, 56 and 57. † *Acts* I. v. 15.

"of the second order)," the total is exactly eighty-three; so that others, besides the *second order*, were present. Indeed Scripture informs us, that the Holy Virgin was also there; and the very instinct of christianity would have argued, what indeed is expressly mentioned in the text, from this fact, that other believing and devout females were of the number. If the argument of *Columbanus* proves for any system, it proves assuredly for that of the *Quakers*. But, really, it is bantering on a grave subject, to call such an assembly a synod holden for an election, as it is ridiculous to infer any right, from the description of persons then assembled. For the election of Matthias was the providential suggestion of Peter; and with regard to the persons there convened, it will be allowed by *Columbanus*, that the same principle of fear or of retirement, which led the defenceless troop to abscond from the public, in an upper room and in a close assembly, must have taught them to admit all whom they trusted, as well as to shut out whatsoever they feared.

The argument from the *second apostolic synod*, in favour of the "second order" is still more deplorable. The *Acts* inform us, that the number of *disciples* (i. e. converts) having increased, the Hellenistic murmured against the native Jews, as slighting their poor widows in the serving at table: that the apostles collected the whole multitude (i. e. of Jewish, and Greek converts) and directed them to present deacons, which was done: * as if to every

* Acts vi. 1, 2, 3, 5.

manifest the generous impartiality of that time, every one of the deacons is an alien.* Not a syllable of the “second order.”

But what says the *third* apostolic synod? “This was held” says *Columbanus*, “for abolishing” circumcision,—the *divine ordinance* of circumcision. “But *four* apostles were present; all the others were of the *second order* and of the *third*.”

There must have been some *private* meetings, in this synod, as else I am at a loss to conjecture from what source *Columbanus* has derived his information. The *Acts* merely give us to know, that the object of this council was to discuss, whether *gentiles* coming to the faith were bound to receive the ceremonial law of Moses; and that it was decreed, that they were not to be bound, save in the points of abstaining from eating of sacrificial and strangled meats, and from eating blood.† This is very different from a decree to abolish circumcision. Again, where in the name of secrecy does *Columbanus* find the *third order*? I find, in the *Acts*, that, after a great contestation at Antioch, it was agreed, that Paul, Barnabas and others should be appointed to travel up to Jerusalem and consult the apostles and *presbyters* on this question. Let *presbyters*, for the present, be priests of “the second order.” Let *Columbanus* enjoy this concession for half an hour to come. Let even the “third order”

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be

* Philip, Prochorus, Nicanor, Timon, Parmenas, Stephen, Nicholas.

† Acts xv. 1, 5, 20, 28,

be the third order of the *priesthood* if he will; in short be the *deacons*, whom an ancient writer styles the third class in priestly function. Well; I still seek for those *deacons* at the *third synod* in Saint Luke, and I seek for them in vain. I find indeed *apostles and presbyters*, and church at large;* but of *deacons* not a word. This is a bad symptom. No tricks are to be played upon inspired writ. *Deum enim non irridetur.*

So much for the assistance, to be derived from the third apostolic synod, for the judicial rights of "the second order" and against *exclusive* meetings of bishops. Let us see, whether perchance, in this same *third apostolical synod*, we may not discover something more, than *Columbanus* has been able to glean from the annals of Baronius. Open the epistle of Saint Paul to the Galatians, and begin with the first verse of the second chapter. "Then, fourteen years after, I went up again to Jerusalem with Barnabas having taken Titus in my company"... "and I communicated to them my Gospel-belief which I preach among the heathens. Next I communicated it *apart* to the important persons there"... "and James and Cephas" (Peter) "and John, who were the acknowledged pillars, having being convinced of the grace bestowed on me, entered into a treaty of partnership with Barnabas and me; that we should be for the heathens, and they for them

"them of circumcision, with the only condition, that we should not forget the (Jewish) poor."* That this *private* conference with the three pre-eminent apostles of the Redeemer was held by Paul, when a delegate from Antioch, is the general persuasion of Catholic interpreters of Saint Paul. If *Columbanus* should disagree, so much the worse for himself; for then a *fifth* apostolical meeting will be established. But whether he agree or not, we have got here, not only an *exclusive synod* between three of the original apostles and Paul with Barnabas, but an *exclusive arrangement*, without admitting, much less, consulting the "second order." Here is a meeting for you, *foribus clausis, alias*, with closed doors, without the excuse of *propter metum Judæorum*. Was Paul an *Inquisitor*? Were James, Peter, and John *Inquisitors*? We have not only a session on matters of faith, and an agreement, but even a compact and treaty, *unknown to the church of Jerusalem*. What is worst of all, is this. The very *Saint John*, who thus partakes of *exclusive* meetings, is he, to whose authority *Columbanus* had appealed for the maxim, that, in the christian church, as contra-distinguished from the synagogue, *every thing transacted by the clergy, in synods, is public*!† *Quid facias huic?*

The *fourth* apostolical synod, says *Columbanus*, is that mentioned in *Acts xxi*. Be it so. Let us only know what *Acts xxi*. record. Is it not, that when Paul came for the third and last time to Jerusalem,

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he

* *Gal. Ch. ii. v. 1, 2, 9.*† *Columb. 4th Letter, p. 70.*

he went in to salute James (Peter, ere this, had quit the holy city), "and all the *presbyters* were convened" thither? When this reverend meeting had heard of the wonders wrought amongst the heathens, "they glorified God, and said to Paul: "thou seest brother, how many thousands of native "Jews are believers, and zealously addicted to the " (Mosaic) law. Now they have had a report concerning thee, that thou 'teachest the Jews who are "amongst the heathens to break off from Moses, "affirming that they must not circumcise their children, nor conform to the rites." On which they advise him to demonstrate, by a religious act, that he himself, as a Jew, "did observe the law." Paul complied, was attempted to be murdered, was rescued by the Roman guards, and finally was sent off, as an appellant, to Nero.

Does *Columbanus* term this meeting a synod? I do not dispute the use or abuse of the term; but I wonder exceedingly, that *Columbanus*, with the text lying open before him (for surely he did not trust to Baronius for the *four* apostolical synods), did not correct his former erroneous assertion, that the apostles had in the third synod met "to *abolish* circumcision." Again, if this should be a synod, I think *Columbanus* was bound to explain, why "the *third* order" was not present, as in the former council. Again, I doubt whether even this *apostolical* synod can be cleared, in the system of *Columbanus*, from that "ignoble craft which shuns the light of day." Paul,

as every smatterer in holy writ knows, taught, being so inspired, the rapid declension of the Mosaic law: he had conferred *apart* with the three principal apostles on his *exclusive* doctrine. He had opposed and reprimanded Peter at Antioch for his shyness towards the converted Gentiles, and had declared that from the works of the Jewish law no man could derive justification before God.* Notwithstanding this solemn profession, Paul confers *privately* with James and with the presbyters, and submits to the expedient of defraying the charge of four Nazarites depositing their hair, in order to convince the natives of Jewry that *he himself* observed the law. What would those converted Jews have said, if they had been admitted to this consultation? I fear that they would have been scandalized to a great degree. But, in the scales of Columbanus, the woe against them who scandalize the infirm, is nothing when compared with the noble dignity of consulting, on all church affairs, *in public*. He would not be so clamorous for publicity, I should suppose, if he himself were admitted to the *exclusive* secret.

I have done with the system of Columbanus, on "the manner of proceeding in councils;" that he has relied much more on topics of inflammation, throughout the whole, than on matter of proof, you have witnessed. What sort of proof he has been able to marshal, you have also seen.

I am, Reverend Sir,

Yours, &c.

* Gal. Ch. II. v. 11, and 16, 18, 19, 21.

LETTER V.

On Provincial Councils.

REVEREND SIR,

AS, in *general* councils, the entire *judicial* authority and *legislative* right now appears to be that of *bishops*, so in all inferior synods, the right of propounding, deciding, enacting and proclaiming is that of *bishops*, and of no others. When I assert this *exclusive* right in *bishops*, I protest, at the same time, against the unphilosophical construction, which *Columbanus* has imposed upon the term *exclusive*; as applied to *right*. From *his* strain of argument, it seems, that by an “exclusive” right in *bishops* he understands a right such as *must always* shut out all but bishops from every concern and partnership in ecclesiastical discussions; whereas, by an “exclusive” right, is to be meant, as I understand not an *unsocial*, but an *independent* right; not a determination

to exercise the *right* evermore in *solitude*, but to claim and to hold it as inalienably *proper*, to the character of *bishops alone*. To speak precisely, an *exclusive right* is that which *excludes* and *supersedes every right*, that would affect to stand in competition with itself; not that right which excludes every *man*, or any individual *man*, necessarily, from a communication of its exercise. The *right* of the apostles was commensurate with their mission, and their mission was to all the nations. But this right, as he himself allows, (when he labours to reason against "exclusive" synods from the pattern of these meetings, styled by him, *councils* in Jerusalem) was not exercised in solitude at all times. That the apostles, in exercising their authority did not always *finally* decide, at least, did not promulge after decision had amongst themselves, is evident from the sacred writings. To believe, at the same time, that their *unanimous decision* was the last and most sacred, and unappealable authority, in all causes of christian revelation, if perchance, or by an impossible supposition, the other disciples or converts should have been differently inclined, is, as I conceive, ~~unreasonable~~ *unreasonable*.

CHRIST himself.

This distinction premised, I must revive your acquaintance with a good old author, who, as early as the ninth century, gave to the christian world a manner of proceeding in councils, as observed in his country, to which the advocates of the right "in the second order" are indebted for some countenance

tenance. This ancient sage is no other than *Isidorus*, surnamed *Peccator* or *Mercator*, the utterer of forged decretal epistles, the *repairer* of old councils, especially those of Spain, by interpolations, false dates, imaginary consulates, prefaces and signatures. This *Isidore*, in his compilation,* sets out from the "manner of holding councils" in his native country.† His formula is transcribed from the *fourth* of Toledo, in all that regards the entry of the bishops, deacons, notaries, and laymen, and *the barring of the*

* Hincmar, Archbishop of Rheims, in the beginning of the ninth century, advrs. Hincmar. Laud. Cap. 24. informs us, that Riculfus of Mentz had got possession of the (decretal) epistles collected by Isidorus from Spain, and had glutted those countries with them. This authority is very great in settling the *country* from which *Isidore* came forth, as well as in determining the *newness* of the collection. However, *Dicoli*, late a celebrated professor of canon law at Rome, in his *Institutiones Canonice*, (second edition, Rome, T. I. p. 69, 1792.) after quoting the text of Hincmar above recited, writes thus "Hodie, inter omnes fere eruditos constat, eum fuisse, Gallicanum, seu Germano francum, sed quis hic fuerit incertum est." That Isidore might have been a subject of the New Western Empire, is probable enough: that, however he was a native of Spain, will clearly appear from the exact correspondence between the manner of holding councils, which *he* gives, and the *latter* Spanish councils, to which I shall refer. Grossly as he mistakes the meaning of ecclesiastical terms, and of the purer Latin used in former times; yet he never once mentions abbots as *signing*, much less as *defining* in the councils of his country. And yet it will appear that he wrote after the *seventeenth* council of Toledo, the last upon record of Gothic councils.

† In principio vero voluminis hujus qualiter concilium apud nos celebretur, posuimus: ut qui nostrum ordinem sequi voluerint, sciant qualiter id agere, debeant. Hard. I. 4.

the doors. As to presbyters, although he transcribes the very words, *let such presbyters be called in as shall be warranted by good cause to intervene*, yet in allowing the presbyters to sit, he adds, “such however as the metropolitan may have selected, for the purpose of sitting with himself, who must be persons by all means capable of giving a judgment and shaping a definition along with him.”* On this addition I will only remark these points. First, that the gloss not only annuls all *divine* right in the “second order,” but abrogates the undoubted privilege of episcopal proxies. Secondly, that the ability required in those favoured priests of the metropolitan, is disingenuously stolen from the letter of Saint Avitus, of which I shall speak presently, concerning episcopal proxies.

“After prayers ended,” says Isidore, “and after the reading of certain canons, the metropolitan exhorts all to unanimity, invites each in the synod to state his doubts, and conjures them in *judging*, to shew justice without favour or strife.” It is from this authority, that *Columbanus* seems to have derived his information, that in councils the metropolitan, president or preacher, exhorted the assembly to *fear God*, and not to swerve to the right or left. The fact however is, that this exhortation is borrowed from the written speeches of the kings in the latter councils of Toledo, when addressing

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* Quos tamen sessuros secum Metropolitanus elegerit, qui utique et cum eo judicare aliquid et diffinire possint. Ibid.

dressing *bishops and nobles*, as the *Comitia Regi* on the impartiality to be maintained in determining the matters that would come before them.

After this exhortation, says Isidore, "*all priests, deacons, and other religious persons, shall enter to hear spiritual instruction.*" This text is somewhat unfavourable to the *divine right* of sitting and judging, in "the second order." On the following day, all those priests, deacons, and religious shall be excluded, "*some priests however remaining in the council, whom the metropolitan shall be thought worthy of being thus distinguished.*" If any *priest*, or deacon, or clerk, or layman minded to appeal to the council on any business, let the suggestion be made to the archdeacon, and the archdeacon notify to the council; whereupon such persons are to be admitted *one by one*, and move their cause.† On the day for dissolving the council, let the canons established in council be read before the church, in the open space. These being concluded, let each, *returning to the place where he had sat in the council, sign the canons.*‡

* Sicque omnes, qui de Religiosis in retroactis diebus pro spiritualibus instructionibus interfuerant in Concilio, foras egrediantur, resident aliquibus presbyteris in concilio, quos Metropolitanus ordinem honorandos. Ibid. p. 8.

† Nam etsi presbyteros, &c. tunc illis et introeundi singillatim proponendi licentia concedatur. Ibid.

‡ Item in die qua sanctum concilium absolvendum est Canones constituti sunt coram ecclesia, in publico relegantur...deinde ad hunc ordinem

Such is the rule in Isidore for the holding of Spanish councils. On which it is to be observed, first, that it completely negatives all *right* in "the second order," even to be present at councils, secondly, that it *compels all* the clergy to attend *for instruction sake*, and then orders *all* persons, even presbyters, to retire, except those, whom the archbishop may have thought *proper to distinguish*, or the council itself may have privileged. How far the regulation for *barring the doors*, and for admitting appellants, *one at a time*, to those ecclesiastical assemblies, is *favourable to that publicity*, which Columbanus esteems the symptom of *plain dealing*; how far such regulations go to *condemn the inquisitorial darkness of exclusive synods*, and the *novel pretensions of episcopacy to judge for itself*, as well as for the *representatives of the seventy-two disciples*, (whosoever those representatives may be, if they exist, or have ever existed), it is now your business to ascertain.

What is a provincial synod? The answer of Columbanus is, that it is *not an exclusive meeting of bishops*; *not a meeting with closed doors*; for such meetings are inquisitorial, and fear the light of day. It is, according to Columbanus, a meeting, at which the priests of "the second order" have the right of assisting, discussing, judging, and signing :

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nor

redecorat, ubi in concilio resederunt canones ipsos subscribant. Ibid. The rule here given as to *returning to sign in their places*, will appear to be derived from a *misconstruction of a sentence in the council of Riez*, of which hereafter.

nor is this right less than of divine authority, in *his* doctrine. Why so? because he holds the *contrary* doctrine to be *heretical*, which term, in plain English, implies a repugnance to divine authority. Hear now *my* answer, out of the doctrine of councils

I. From the Canons called Apostolical, Canon xxxvi. "Twice a year let there be a *synod* of *the* BISHOPS. Let *them* examine *one another* on the articles of christian religion, and let *them* determine whatever dissensions arise in the church."*

II. From the First GENERAL Council of Nice Canon v. "With regard to persons excommunicated by their bishops, let the sentence remain in force, according to the canon which forbids any rejected by one bishop, to be received by another. But let it be examined, whether the communication may not have been imposed through fretfulness, contentiousness, or some such other unamiable quality in the bishop. For the purpose therefore of having this properly inquired into, the holding of *synods* twice a year, in each province is decreed to be a laudable practice: that so, when *all the* BISHOPS of the province are met, those questions may be examined, and thus the persons, who shall be proved to have offended their bishop, shall justly be judged excommunicated from all the other

" *un*

* Δευτέρην ἰν' αὐτῆς ἑταίρας γνωσθῶ τῶν ἐπισκόπων, καὶ ἀνακαρτεσθῶ ἀλλήλους ἰν' ὁρίσματα τῆς εὐσεβείας, καὶ τῆς ἀμειψίτης ἐκκλησιαστικῆς ἀλλοτριότητος διαλυτῶσαι.

“ until either the *body*, or the BISHOP *himself* shall
 “ think fit to decree in mitigation of the sentence.”*

III. From the Council of Antioch, Canon xx.
 “ For the affairs of the church, and the termination
 “ of controversies, it is decreed, that the holding of
 “ synods of the BISHOPS in each province, twice a
 “ year, is a laudable practice;...so that *priests, deacons,*
 “ *and all who may think themselves aggrieved, shall*
 “ *present themselves before such synods, and from the*
 “ *synod shall obtain a final judgment.*”†

IV. From the Council of Laodicea, Canon xl.
 “ BISHOPS when invited to synod, shall not slight
 “ the call, but shall set out, either to teach or to
 “ be taught, for the ordering of ecclesiastics and
 “ others. A *bishop* who slights the intimation,
 “ shall be his own accuser, unless kept away by
 “ indisposition.”‡

V. From the Second GENERAL Council. Extract
 of Canon vi. “ If any persons, (neither disqualified
 “ from accusing by heresy, excommunication, or
 “ former conviction, nor being accused,) pretend to
 “ have charges of an ecclesiastical nature against
 “ their bishop; this sacred synod orders, that in
 “ the first instance they shall prosecute before the
 “ BISHOPS

* Labbe Con. II. 233.

† Καὶ παρὰ τὰς Συνόδου επικρίσις ὑποχρεῖται. Labb. Con. II. 571,
 372. επικρίσις is a judgment in appeal, which even *Dionysius Exiguus*,
 in other respects an incomparable translator, has misinterpreted, et
 synodi experiantur examen.

‡ Hardouin I. p. 797.

“ BISHOPS of the province, and establish the charge
 “ by evidence against the bishop. But if it should
 “ happen, that the provincials are incompetent to
 “ give redress on the matters of accusation, let the
 “ accusers in such case present themselves before a
 “ greater synod of the BISHOPS of the primacy con-
 “ vened together.”*

VI. From the Fourth GENERAL Council. Can. xix.
 “ We have received information, that in the provinces
 “ the synods of the BISHOPS, enacted by the church-
 “ rule do not take place, and that many affairs of the
 “ church are thus left uncured. The sacred synod,
 “ therefore decrees, pursuant to the canons of the
 “ fathers, that twice in the year the BISHOPS of the
 “ province shall assemble, whithersoever the metro-
 “ politan judge fit, and shall rectify all matters that
 “ may arise from time to time: and as to those
 “ BISHOPS, who will not meet the appointment, but
 “ will abide in their cities, being neither infirm,
 “ nor prevented by indispensable occupations, let
 “ them be rebuked fraternally.”†

VII. From the Canons, called of the Sixth GENERAL
 council. “ Being willing that the decrees of our
 “ Blessed Fathers shall universally remain in force,
 “ we revive the canon, expressly ordering, that in
 “ each year synods of the BISHOPS shall be held,
 “ wheresoever the metropolitan shall think proper.
 “ But

* Const. p. 1. Labb. II. p. 950. *ἡ ἑκαστὴ ἐπαρχία, μὲντες ἀποστολῆς, μὲντες ἀναγιγνωσκέτω*
 8187 N. T. A. D.

† Council. Chalced. Labbe. Council. IV. 764.

"But as, owing to the irruptions of the barbarians
 "and to certain other causes, the *governors of the*
 "*churches* cannot possibly meet in *their* synods *twice*
 "a year, it is decreed that once in each year, by all
 "means, a synod of the BISHOPS *aforesaid* shall be
 "held on account of the ecclesiastical causes which
 "naturally arise."* A *bishop* absenting himself to
 be reprimanded, as in the canon of Chalcedon
 last mentioned.

VIII. From the Seventh GENERAL Council, second
 of Nicaea, Canon vi. "Whereas there is a canon
 "expressing, that twice a year in each province, ec-
 "clesiastical deliberations shall be managed through
 "a congregation of the BISHOPS; and the fathers of
 "the *sixth* council defined, that, on account of the
 "laborious travelling, and the poverty of the persons
 "so to be assembled, the meeting should take place
 "once a year, by all means, and all excuses not-
 "withstanding, and that errors and excesses should
 "be thus corrected: this canon we re-enact. If
 "any temporal power obstruct such meeting, let him
 "be excommunicated."...."And whereas *the synod*
 "is convened for causes regarding the canons and
 "the Gospel, it behoves the BISHOPS assembled
 "to employ their care and meditation on having
 "the commandments of God observed."†

IX. From the Eighth GENERAL Council, Canon
 xii. "We have received information, that no synod
 "can

* Labb. Concil. VI. 1145.

† See Note at the end of this Letter.

“ can be held, unless the secular magistrate be present.
 “ The divine canons no where enact, that temporal
 “ rulers should intervene in synods, BUT SOLELY THE
 “ BISHOPS: wherefore, neither do we find that such
 “ have intervened, unless in general councils: neither
 “ is it *lawful* that the secular powers should be *even*
 “ *spectators* of the contestations that arise amongst the
 “ *priests of God.*” i. e. bishops.*

Such is the only description afforded by the oriental synods from the opening of the *third* century after CHRIST to the conclusion of the *ninth*. I have added nothing, as I have suppressed nothing. Do these quotations speak expressly, or not, that a *synod*, which in its native acceptation, means a *stated meeting*, in ecclesiastical use, means, solely and exclusively, a convention of *bishops*? Have you ever found a term so unequivocally explained in any book, or by any practice, as you have this term, *synod*, explained? And by what great authorities! Not from anonymous pamphleteers, not by parodists of Gospel texts, not by unauthorized virtuosi; but by the authorities of the christian church under persecution;—by the three hundred and eighteen at Nicæa, through whose inspired agency it pleased God to fix the belief of all

* Labbe Concil. VIII. 1375. ἤλθεν εἰς τὰς ἡμῶν ἀκροάς, ἵνα μὴ διαταραχθῇ ἀπὸ ἀρχιεπίσκοπικῆς παρυσίας συνόδον γίνεσθαι. Οὐδ' αὖτε διὰ τοῦτο κανόνες συνεχέσθαι κερματικῆς ἀρχιεπίσκοπίας ἐν ταῖς συνόδοις νομοθετήσαι, ΑΛΛΑ ΜΟΝΟΤΙ ΤΟΤΙΣ ΕΠΙΣΚΟΠΟΙΣ. Ὅθεν καὶ πλὴν τῶν οἰκουμενικῶν ὤντων, τῶν παρυσίων αὐτῶν γεγονυμένην ἐκρίσκειν. Οὐδὲ γὰρ θεμιτὸν εἰς γίνεσθαι διατάξεις κερματικῆς ἀρχιεπίσκοπίας τῶν τοῦ ἐκκλησιαστικοῦ γένους συμβουλευτικῶν πραγμάτων.

generations, when the Monarchical DEITY was assailed by the gasping, desperate effort of polytheism ;— by the fathers at Constantinople, who adhering to the faith of the West, proclaimed the SPIRIT, proceeding from the Father, to be SOVEREIGN, and quickening, and to be worshipped and glorified in TRINITY ; —by the Fathers at Ephesus and at Chalcedon, whose ordinances affixed the seal to the revelation concerning the SON OF GOD ; by the Fathers at Nicea, in the second council of that name, who holily and gloriously bound for evermore, in the shackles of malediction, those who satan-like would accuse the redeemed and everlasting church of Christ with *idolatry*, which is apostacy of heart from the living God ; by the fathers of the eighth synod, the last general council held in common between the Oriental and Western churches, and the testamentary act of Eastern faith in charity, when about to yield itself to the demon of schism.

Those general councils, even *Columbanus* will grant to have possessed authority. He must therefore allow, that such provincial synods, as those councils ordained, and no other were holden. If so, the claim for “ the second order ” to sit in its own right, or to discuss or judge by divine right, even in provincial councils, is at once exploded in every church of the christian world, which adhered either to the decrees called apostolical canons, or to the canons and practice enacted and followed at Nicea, Constantinople, Ephesus and

Chalcedon. The claim for the "second order" is exploded in every church, which admitted the decrees of Laodicea and Antioch, decrees, which in fact, were accepted throughout the East, in the fifth century.

It has been occasionally asserted by some writers on ecclesiastical polity, that every national church has the authority to frame its own discipline and ritual. The assertion has been lately thrown out by *Columbanus*, without qualification or restriction, and *Columbanus* declares himself a *Catholic* priest. In the rubric of the *common prayer*, which had for its authors men both grave and decent, I find a condition, which at the very least implies, that nothing be done so as to cause scandal. Here I acknowledge, that if there is not entire truth, there is condescension, and there is a disavowal of tyranny. The proposition however, even so chastened and limited, is opposite to the principles of a Catholic church. For, no national church, as such, has any claim to perpetuity: no national church, as such, has any higher or better warrant for the *Catholicity* of its discipline, than the acquiescence and ratification of the church at large. No part of the universal church can innovate upon its ancient landmarks, and dictate to the other local churches, or to any local church, that no scandal must be taken at the innovation. All difference between church and church in points of discipline is bad, unless immemorial and prescriptive, or unless induced by the manifest and incontrovertible

tible necessity of *self preservation*, that is to say, of the preservation of christianity itself; or unless introduced to the church at large under that authority, and by that mediation, which the world of christians has recognized as the arbitrator, and pacifier, and chief of its federal system. In proportion as any local church will nationalize its discipline, without the previous conditions, which I have mentioned, in the same proportion does it become selfish and inhospitable; in the same proportion does it tend to overrate its own innovations, and to undervalue the blessing of *one heart and soul*, animating the world and owning kindred, in truth and in practice, with every true believer in CHRIST. I will not urge here, ~~what~~ it may be enough to hint, that all practices merely national gravitate to degeneracy; while, at the same time, the practices of confederated human nature necessarily advance towards perfection. But I say, that whenever a national or particular church hoists the standard of independence in discipline, and proceeds, by way of fact, to establish such independence, it is a vain and empty palliative for the mischief it must create, to declare that no scandal is meant to be given. The feeling of scandal is not to be stilled by words: this feeling is even exasperated by such declarations. The precedent will be opposed with violence, because it tends to the dissolution of the great body; and because in order to justify the precedent, new principles of faith, or new distinctions in morals will be either soon or ultimately resorted

resorted to by the innovating church. At all events, charity will be extinguished.

If so great must the error be of a national church, attempting at this day to regenerate its discipline, by its own authority, what term will adequately suit the misdeed of a Catholic priest, who while he plays off the artillery of *ancient councils*, and those councils taught to say whatever he pleases, against Irish Catholic bishops, at the same time raises the signal of dispersion, and would lead us through anarchy and *Veto*, and re-establishment of *something like our ancient clans*, to a final secession and exile from Catholic faith, and that universal protection, which, in the travels of our fathers through the inhospitable desert, was a guiding cloud in the day, and in the night-time a fiery pillar ; for God walked with his people, conducting them through fire and sea, and led them forth into a sabbath of rest !

I am, Reverend Sir,

&c.

NOTE to Page 119.

Labb. Concil. VII. p. 602. It was through respect for this Canon, of the *second* of Nicea, I was induced to give, in this letter, the canon of the so called *sixth* general council, to which it refers. In deducing the signification of the words, *provincial synod*, I had been free to resort to all unsuspected authorities; nor could any question, on the *sanctity* or *wisdom* of the canons, called of the *sixth* council, be rationally stated in a mere philological disquisition. However, I feel no scruple in declaring, that those canons called of the sixth council, not only are *not* of that council, as even Tarasius granted (when he pretended that they were framed by the same bishops, five or six years after the sixth general council, Labb. VII. 234.) but that besides they manifestly betray, that they were compiled by a layman. Not to dwell upon the ignorant boldness with which the immemorial usages of the western churches are attempted to be suppressed or refined by an impudent Greek cabal, the doer of these canons receives in one breath the council of Sardica, which enacted, that the Pope, on appeal from a bishop might send judges *a luteris*; and the African councils, which impugned this practice, erroneously no doubt, (because their primate *Gratus* had been in the council of Sardica) but yet perseveringly. As for the *signatures* to these canons, on the identity of which as a demonstrative argument, Tarasius relied at Nicea, the argument is worse than none. In the case of a *general* council, he who appeals after ninety years to the *identity* of hand-writing between two documents, *both* of which he has all along kept in his own possession, appeals to *private* evidence in a case of supposed notoriety, and gra-

traitiously assumes, either that no *forged* imitation of a genuine writing can be made, or that, whenever ~~two~~ writings correspond, *both* are necessarily genuine, though coming out of the same hands, and not possible to be confronted elsewhere. This, in *principle*, is a confession of falsity; in other words, is an acknowledgement, that the document so put forward, is unsupported by all evidence, and is liable to every presumption of fraud. But, in fact, the assertion of Tarasius is incorrect. The same bishops did *not* sign the definitions of the sixth council, and the pretended canons. For example, out of twenty-two bishops, of the name of *Theodore*, in the sixth council, of *three* only the names appear to the canons. Again, in the canons, the name of Justinian the younger, appears foremost, and before those of the bishops; whereas the emperors *always* signed *after* all the bishops, as Basilius declares in the eighth general council. Labbe Concil. VIII. p. 137. "The emperor Basil said: "Our Serenity copying after our predecessors, Constantine the Great, Theodosius, Marcian, and the others, would fain sign after the *subscriptions of all the bishops*: but "since you are pleased to grant us a precedence, we "will sign after the delegates," (of the four great sees. And, in the very sixth, of which we speak, it is expressly recorded, that Constantine signed after Theodorus, the *last* bishop in the council. (Labbe. VI. 1044.)

When in the second of Nicea, Tarasius stood up to read out of those canons, the abbot Sabbas asked, how it came to pass, that he read from loose papers, (Labbe. VII p. 933.) and not from a volume. Tarasius answers, that he read from the original papers which the bishops had signed.

signed. This answer, if even satisfactory as to the hand-writing and signature was still extraordinary as to the *canons*. In councils, each bishop signed his own copy, as perfected by his notary. When the volume was engrossed, the signatures were either copied and attested, or were made anew. In either case the production of *loose* papers and sheets of signatures was foreign to the object of proving the genuineness of the canons which were disputed. To end with a curious fact, hitherto not remarked, Justinian the younger, in his letter to pope Sergius, mentions, that he had taken up all the copies which remained in Constantinople of the *sixth* council; by which if we understand the copies of individual bishops, we can easily account for the possession of the *hand-writing* in paper-sheets.

LETTER

LETTER VI.

On the National Councils of Africa, the Gauls, and Spain.

REVEREND SIR,

LET us now proceed to inspect the “manner of proceeding” in national councils, throughout the West; beginning from the era of the establishment of christianity in the Roman empire. By *the West*, I would signify those portions of the empire which were colonized by Rome, and of which the municipal governments were assimilated to those of the parent country. Amongst national councils, those of Africa claim the foremost rank, whether we advert to the extension of that church, or to the number of its bishops, or to its sufferings, or to its great men, one only of whom, AUGUSTINE by
genius,

genius, which in him was almost supernatural, and by goodness, which in him was only less than perfect, were great enough to ennoble any church or nation.

In the first council of Carthage the tenor of the acts begins;—"The *bishop* of Carthage, *Gratus*, "having taken seat along with his *colleagues* from "the several other provinces, namely, Felix, Fortunatian, and the remaining, *whose signatures are given herewith*, *Gratus* said." The canons follow. These *expressly* mention, by whom proposed, by whom seconded, by whom enacted;—and all are *bishops*. When *Gratus* the primate moves a regulation, the council immediately declares; when any of the other *nine* bishops who spoke, introduced any canon, yet it is *Gratus* who seconds and recommends it to the council. In the last canon of this council, the bishop of Carthage speaks: "It only remains, "that you confirm, by *your signatures*, what has been "put in writing on *your own* agreement. "They" (*i. e.* the bishops, as appears from canon I), "all said, "The *acts of this council* shew that we were consenting; our consent shall moreover be declared by "our signing: and *they all* signed."*

s

From

* Hard. Concil. I. 685, 686. Labb. II. 1822, 1827. Cum *Gratus episcopus* Carthag. in concilio una cum collegis suis consedisset qui ex diversis provinciis, &c. Felice Baianensi, Fortunatiano Capsitano, Crescente Bagrosi, &c. et cæteris quorum manus continetur, *Gratus* apud dixit . . . Can. I. Ergo si vobis placet consideremus primum titulum rebaptizationis . . . universi *episcopi* dixerunt, absit, absit. Inlicitam enim sanamus rebaptizationem. Ad finem in Can. XIV. *Gratus episcopus* dixit, Superest iam ut placita omnium vestrum,

From this it appears, that *they only* signed, who decreed; and *they only* decreed who were *bishops*.

In the second council of Carthage "Genethlius (or "Genethlius), having taken seat with his *brother* "*bishops*, spoke." In this council also, it is expressly recorded, that all who speak, propound, and decree, are *bishops*. In conclusion, the primate Genethlius says, "Therefore let us confirm, by our several "*signatures*, our common assertion. *The bishops* all "*answered*, Ordered, ordered: and they all signed."

In the *third* council of Carthage, the *bishops* alone are seated; the deacons stand in waiting. *Bishops* alone speak, alone are called on to sign, alone are mentioned as signing.† So in the fifth,† (the acts of the fourth being lost, save as to one temporary ordinance), § and sixth, || and seventh, ¶ and eighth

quæ ad consensum vestrum sunt scripta, vestra quoque subscriptione firmatis. Universi dixerunt: Et consensisse nos, concilii hujus scripta testantur, & subscriptione nostra consensus declarabitur noster. Et subscripserunt.

* Hard. I. 951, 954. Labb. ibid. 1832. Cum Genethlius episcopus una cum Victore Abdiritano et alio Victore Puppiano & cæteris coepiscopis suis consedisset. Ad fin. in Can. XII. Omnia ergo quæ a cætu vestro gloriosissimo statuta sunt placet ab omnibus custodiri.

Universi episcopi dixerunt; Placet, placet: custodiantur ab omnibus. — Genethlius episcopus dixit: Gratulor, domino nostro præstante, quo pro statu ecclesiæ catholicæ cuncta nos salubri consilio servasse decrevimus. Et ideo quæ ab omnibus sunt dicta, propriis debemus subscriptione firmare: Ab universis episcopis dictum est, fiat, fiat. subscripserunt.

† Hard. I. 960, 970. ‡ In Cod. Gen. Ecol. Afr. Hard. 894.

§ Ibid. || Ibid. Hard. I. 946. ¶ Ibid. 907, 911.

eighth* councils at Carthage. In what remains of the ninth, *bishops alone* appear and sign.† In the eleventh the same:‡ and so until the invasion of the Vandals, in each of the councils in Africa, of which the style is preserved. In the others we have only so much of the *preface* as shews that the recited form was a thing of course. In the council of Carthage, under Boniface, of which we have the acts at length, beyond the first sitting, you will find no variance from the “manner of proceeding” under Genethlius; *bishops alone* sit in the council; the *deacons* attend; the *bishops alone*, and *expressly*, are called upon to *subscribe*, and do sign§ their common decrees.

The question, therefore, as to any right of *attending*, *discussing*, and *signing*, in “the second order,” is decided in the negative, by the old African church; nor will the *imperfection of manuscripts* retrieve the cause: the proofs are staring, and consist *not* of the names of bishops who signed, but in the explicit declaration,

* Ibid. 911, 915.

† Ibid. to 918.

‡ Ibid. 919.

§ Hard. II. 1071. Labb. IV. 1629. Cum Bonifacius episcopus... cum episcopis suis... consedisset quorum nomina subscriptiones ostendat, adstantibus diaconis. And at the close of the first session, (Hard. 1061. Labb. 1640): *Episcopi dixerunt: Magna hæc et vere multo tempore utilis futura provisio quam subscriptione singulorum confirmari cupientes, manu propria nos consensisse profiteamur. Bonifacius dixit, Quoniam dei &c. Nunc interim quidquid pro ecclesiarum generali utilitate recitatum est... ad perennem firmitatem propria, sicut ipsi quoque postulastis, subscriptione firmemus. Episcopi dixerunt; fiat. fiat, and subscribe.*

claration, that *bishops who alone decreed*, were those whose signature was demanded, in confirmation of *their own laws*.

From the church of Africa let us retire homewards. The church of France stands second in the estimation of canonists, and, as long as it kept up the practice of synods, was, next after the patriarchal church of Rome, the exemplar of learned institutions and chaste practice in its ecclesiastical government. In the Gallican councils, at least, may we not expect to find this right of *sitting and discussing, judging and signing* either recognized formally in the "second order," or exerted in some manner? Let us try.

In the council of Turin there is not a word of the second order present. The subscriptions are lost, you will say. Granted. But the preface remains extant, in which the synod declares, that it had been convened on *the requisition of the bishops of Gaul*,* and addresses those bishops as *brothers*.

In the council of Riez, we have the preface, canons, and signatures. The first canon declares, that the *episcopal synod* was resolved to deal medicinally, not vindictively, with *Armentarius*, an intruding bishop. — The sixth canon mentions the agreement of all *the bishops assembled*.† The conclusion is this, "As we have held this session in the name of Christ, so let us

* Hardou. I. 958. See *ibid.* Can. VI.

† *Ibid.* Concil. Rej. p. 1750. Can. I. Quia non ulciscendi sed re-
mediandi studium universorum pectora sacerdotali concilio inae-
derat. Can. VI. In commune autem omnes qui convenerant sacerdotes censu-
erunt, viz. *not to interfere in a vacant see, unless as administrators*

us sign in our proper handwriting." *Thirteen bishops sign, and one presbyter,* commissioned to be present, and to sign, as proxy for his bishop Constantine.*

In the first council of Orange, we have the signatures; sixteen bishops and one proxy. In the twentieth canon it appears that they who met, and signed, and judged, were *bishops*. †

In the synod of Vaison we have neither preface nor signatures; however, even thus, from certain incidental words, we may infer, that the meeting was of *bishops* to consult and judge, ‡ and promulgate.

In the council of Anjou§ the preface is this;
 "The BISHOPS having assembled in the city of Anjou,
 "For the ordination of a bishop, and all having taken
 "their seats, namely, Leo, Eustochius, and those
 "BISHOPS, &c.; it was considered and judged, that *they*
 "should commit to writing whatsoever *they had*
 "decreed

* Sicut in nomine Domini consedimus manu propria subscribamus :—
less of all, Ego Vincentius presbyter episcopi Constantini, ab eodem ordinatus interfui et subscripsi vice ipsius, ibid. 1752. It appears, that Isidore, the compiler, built his rule, that the persons convened in synod should return to their seats, and there should sign, upon a misconstruction of the text; sicut in nomine domini consedimus.

† Hardou, I. 1786. Hæc quæ subscripsimus cum eorum concordia, &c. De die ac loco conventus per nosmetipsos commonebimur.

‡ Hard. ibid. p. 1787. Concil. Vas. ex Can. VII. Placuit præterea... Etiam in nostri ordinis ..., ut se *Episcopus*, si quem, &c.

§ The canons, called of the second council of Arles, have no mark by which to ascertain at what time and on what occasion they were published or compiled.

“*decreed by word of mouth.*”* The signatures are gone; but are they wanted after this preamble?

Of the third council of Arles we have the decree and pacification concluded by the *bishops*, in the cause of the abbot of Lerins. It favours of the odious *exclusive*, as you may see. “We having assembled “within the sacristy of the church of Arles, after “prayers ended, took our seats, *no person being admitted* to overhear from without,† in order to de- “liberate on a cure for the scandal that had arisen.”

In the synod of Tours, “The *bishops* who sign “*underneath*,” meet, and resolve to “*publish their decrees.*” So in the council of *Vannes*, the *bishops* decree, sign, and transmit to their absent colleagues for confirmation.‡ So in the council of *Agde*, the synod consists of *bishops and their proxies*. Hilarius the primate signs thus, “I have subscribed to these ca- “*nons, according as has been decreed by all my fellow* “*BISHOPS who have signed with me.*”§ So in the council of Orleans.||

Now to the council of *Epon*, which was summoned by Saint Aвитus of Vienne, and Viventius of Lyons. We have not only this council in full, but even the circular letters sent by those two bishops throughout their

* Hard. II. 778.

† Ibid. 779. Cum Arelate in secretario ecclesie convenissemus, premissa prece ad Dominum, nullo extrinsecus arbitro interveniente, resedimus de remedio scandali. This decree is quoted as an authority in the African council under Boniface.

‡ Hardou. II. 794, 796, 798. § Hardou. 1006. || Ibid. 1006.

their several districts. In that from Avitus to each bishop, there is a clause as to episcopal proxies. "If, by any chance, which God avert, any *bishop* should be overtaken with heavy sickness, let him cause to appear before his *brothers, two presbyters* of highly respectable character, *furnished with his commission, and to act for him.* But he will have the regard to select such persons, as by science, as well as by respectability, may be entitled to intervene in a council of BISHOPS; such men as BISHOPS may willingly discourse with. Men whose appointment may be warrantable, if their selection be judicious, for the purpose of confirming and signing decrees, in the name of their BISHOP. But let nothing less than extreme necessity extort this substitution."*

Did Saint Avitus, who thus limits the use of proxies, believe in any original right of the "second order" at large, to sit, or discuss, or judge, or sign in councils?

The circular of Viventius is addressed to "his brother bishops, to all the clergy, men of official rank, and proprietors in his district."† He notifies, that

* Sed si forte, &c. duos presbyteros magnæ & probabilis vitæ, mandati instructione firmatos, fratribus, pro se, præsentare procuret; et tales dignatur eligere, quos episcoporum concilio non minus scientia quam reverentia faciat jure interesse: cum quibus delectet summus pontifex conferre sermonem: quos ad definitiones pro episcopo suo sanciendas subscribendasque, cum fuerit solertia eligi, sit auctoritas legi. Sed illud non extorqueat nisi summa necessitas. Hard. II. 1045.

† Fratribus & episcopis, universis clericis, honoratis, et possessoribus territorii nostri. ibid. 1046.

that a *council of BISHOPS* is to be held in the district of Epon, and proceeds, "Whither, as is expedient, "we strictly *order* the clergy to assemble, and permit the laity to be present; that even the people "may learn what shall be there *determined by the* "BISHOPS ONLY; and because it is just, that all Catholics should wish to have exemplary clergymen, "we give free introduction to all, that they may accuse in such matters as are within their knowledge."*

Did Viventiolus believe, that *all the ecclesiastics* possessed the right (when he thus *orders them all to assemble,*) of sitting as judges in the council of bishops?

The first canon of this council expresses who were they that enacted and signed. "If any one of the "bishops who by *their signatures have confirmed* these "unanimous decrees, or of their successors, shall violate," &c.†

Thus also in the *fourth* of Arles, *bishops* are those who meet, propose, decree, and sign.‡ In the second council of Orange, held, after the dedication of a church,

* Ibid. Ubi clericos, sicut expedit, convenire compellimus, laicos permittimus interesse; ut quæ a solis pontificibus ordinanda sunt, et populus possit agnoscere. Et quia justum est ut omnes Catholici clericos bonæ vitæ habere desiderent, reprehendendi quod quisque noverit militum omnibus aperimus.

† Ibid. 1051. Si quis sanctorum Antistitum, qui *statuta presentis subscriptionibus propriis* firmaverunt, &c.

‡ Hardon. II. 1070.

church, "The BISHOPS ordain, that the illustrious
 "men, who had assembled for the said dedication,
 "should sign individually, the EPISCOPAL decrees." *

Did this signing acknowledge in the laity any *right*
 of attending, judging, or confirming ecclesiastical
 causes?

In the *fourth* of Orleans, and in the *fifth*,† I find bi-
 shops alone decreeing, and *bishops* or *their* deputies sign-
 ing. So in the second of Auvergne;‡ so in the fifth of
 Arles; § in the third of Paris; || in the second of Ly-
 ons; ¶ in the second of Tours; ** in the great council of
 Macon; †† and so without exception, in every Gallican
 synod, which is not mutilated, until the great decline
 of ecclesiastical discipline in the eighth century, by
 the habitual intermission of synods. In no one of those
 councils is it even hinted, that priests of the "second
 order" have the *right* of sitting or judging. In *every*
council that alludes to the *Right*, you have seen that
 the legislative authority is claimed *exclusively* by *bishops*.

If, in the revival of ecclesiastical discipline, if for
 encouragement or for a reward to learning or to virtue,

T

or

* Concil. Araus. IV. Et quia definitionem antiquorum patrum nos-
 trorum, quæ infra scripta est non solum religiosis, sed etiam Laicis
 necessarium esse & desideramus & cupimus; placuit ut eam etiam
 illustres & magnifici viri, qui vobiscum ad præfatam festivitatem
 venerunt, propria manu subscriberent. Hard. ibid. 1102.

† Ibid. 1436, 1441, 1443.

‡ Ibid. 1451.

§ Hardouin. III. 327, 599.

|| 337, *Preface* & Can. X.

¶ 354 Can. II. Si quid inter fratres, *id est co-episcopos nostros*.

** 357 *Praefatio*.

†† *Matic. Can. II. Hard. 459, præf. Can. & Can. XV. XX.*

or in addition to the splendour of episcopacy, or in order to brace and to extend at the same time the episcopal jurisdiction, certain dignities were invented, or if already in being, were ennobled by positive ecclesiastical laws; and if by such laws the newly favoured dignities were privileged with the ceremonious distinction of being introduced to provincial synods; if in consideration of present desert, or learning, or sanctity, the honour which had been gained by *abbots* and *presbyters*, was so redundant as to have passed, like an overflowing inheritance, to the societies which they governed, or to the class which they exalted in their lifetimes; the privilege was surely just, and its effects must have been salutary.

Let that ecclesiastical law be applauded as highly as you please, or that prescription, which has given to universities, monasteries, chapters, the right of sending deputies to councils provincial or national, not indeed as lawgivers (*this* was never submitted to, nor intended), but as entitled by privilege and favourable distinction, to speak,—and, in process of time, advancing from the right of speaking to the liberty of discussing and voting; let this right be strained to the very utmost: let it be termed the *right* of a definitive voice: still it is of human and recent, not of divine, nor of apostolical institution. It was from dust, and into dust it will go back again. The Right of rights is that which endures through all times, and to which every other is subordinate; which
springs

springs ever new and full from the source of apostolical undecaying power. For "Yesterday was CHRIST, and to day he is; and for ever he is the self same:" who said "As my Father sent me, so do I send you:" "Receive you the Holy Spirit."

We have deferred to the last the Spanish councils. For two reasons: the first, because those councils rank lowest of all in canonical estimation; secondly, because, from causes partly hidden, partly conjecturable, the records of those councils labour under the vehement suspicion of general inaccuracy; and in the parts, on which alone *Columbanus* might wish to rely, are tainted with the worst of all critical imperfections, I mean with fabrication.

M. *Simon*, as we are informed by *Columbanus*, describes the manner of holding Spanish synods, and says, that the Spaniards *never allowed any authority to synodical constitutions, unless they were enacted with the consent of the second order of the clergy.** I have long since forgotten the letters of *Monsieur Simon*, except as to one particular, on which I have made anxious but vain inquiries.† The quotation I do not wish either to collate or to depreciate; but, at this day, it is a *ruse de guerre*, which imposes on none, to quote the opinion of a *modern author* on an historical *ancient fact*, without either giving the reasons of that author, or pointing to the evidence which he had before him, when he pronounced

* *Columb.* 4th letter, p. 67.

† The MS. *Treatise of Makdonatus de Trinitate.*

pronounced on their result. In the Spanish councils, down to the ninth century, not a vestige, not an iota is to be found of this *necessary consent* of the "second order." At the time when Isidore glutted the marts of Gaul and Germany with his wares, not a symptom of this *necessary consent* was visible. For as we have seen * that Isidore, while he professedly gives the rule for "holding synods in his country," so far excludes the *necessary consent* of the "second order," as to make the introduction of *some* presbyters a matter of compliment from the metropolitan.

In not one of these Spanish synods, from that of Eliberis to the eighth council of Toledo, is there mention made of *presbyters* sitting in council. In no council during this period is it mentioned that they *judged* or even *delivered an opinion*. We will first review the other councils of Spain, and then consider those two councils, in which presbyters are represented as having had seats.

In the council of Saragossa, *bishops alone* meet, speak, and decree.† In that of Taragona, *bishops alone* sit, and enact, and sign. The last canon of this council is remarkable. "Let the metropolitan direct his circular letters to his *brothers*, so that "they" (the bishops) "shall *summon the presbyters*, "not only from the cathedral" (*i. e.* metropolitan) "church, but also from the diocesan" (*i. e.* suffragan) "churches

* Concluding note to the preceding letter.

† Hard. I. 305.

“churches to the council, and shall bring thither
 “with him some of the faithful laymen.”* In the
 council of Lerida, the *bishops alone* are present,
 and are *consenting to the decrees*, by their signatures.†
 So in the second of Toledo, most expressly.‡ In
 that of Barcelona, seven bishops meet and pass
 canons.§ In the council of Braga, the *priests*,
deacons, and *all the clergy* were present, while the
bishops sat, spoke, decreed, and subscribed *alone*.||
 In the second of Braga the same stile is pursued
 faithfully.¶ The *bishops*, moreover, demand, that
 they shall all sign the decrees as an authority for
 themselves and their successors. In the third of
 Toledo, *bishops alone* appear.** So in the councils
 of Seville†† and Barcelona.‡‡ In the second of
 Seville, the governor and treasurer, and the *whole*
body of ecclesiastics were present. But the bishops
 alone speak, enact, and confirm by their signa-
 tures.

The

* Hard. II. 1043. † Ibid. 1067.

‡ Ibid. 1139. See *preface and concluding canon*. Hujus institutionis
 regulam, qui *subscribimus* irrefragabili auctoritate, &c. ibid. 1141.

§ Ibid. 1434.

|| Hard. III. 347, 352. Omnes episcopi dixerant, quæcunque a
 nobis communi consensu decreta sunt ... Quæ ut stabilem placitæ con-
 stitutionis obtineant firmitatem, propria unusquisque his gestis manu
 sua subscribat; et post episcoporum subscriptio secuta est.

¶ Ibid. 885. per totum, et 386.

** Ibid. 467. 474. A. & per totum.

†† Ibid. 523.

‡‡ Ibid. 557. 568. and Can. VI. VII. IX.

The fourth council of Toledo was a national council. It has been already demonstrated, that the text, quoted by *Columbanus* from this council, speaks distinctly of *provincial* synods, and that consequently, it is foreign to the subject of priests of "the second order" discussing, judging, and signing on matters of *faith and general discipline*: it has been shewn, that it neither gives to presbyters, as such, nor recognizes, in the "second order," a right of sitting even in provincial synods: that it enjoins the *exclusion* of all but those, whom the *bishops* invite, or who are necessarily summoned for ecclesiastical trials: that it expressly orders *bishops*, and none else, to sign their synodical decrees. It remains only to observe, that in this very council, although clergy and laity were present at, and confirmed by word of mouth, * the decree of the *bishops* concerning

* Ab universo clero vel populo dictum est qui contra hanc *vestram* definitionem presumpserit. In the edition by *Labbe*, Concil. V. 1725. *vestra* is in the text, and *nostra* in the margin, as a false reading. Hardouin who copies servilely, in this council, the other readings of *Labbe*, has edited *nostra*; than which mistake nothing can better prove the gross negligence or incompetence of Hardouin. For the very outset of the canon is this, "Now that we have settled and decreed the matters of ecclesiastical rule and correction, our concluding resolution is, that we shall enact an *episcopal decree* for the strengthening of our kings (Hard. III. 593). This same form is repeated in the XVI. council of Toledo, (Hard. III. p. 1301. Ab universis Dei sacerdotibus, palatii senioribus, Clero vel omni populo dictum est. Qui contra hanc *vestram*, &c.) and the bishops themselves declare (1800), that they copy an ancient definition: Cui *nostræ* definitioni, &c:

cerning allegiance, yet the *bishops alone enact*, and declare that *they subscribe*. In the fifth,* and sixth† councils of Toledo the same; in the latter of which the nobles concurred in the law for a coronation oath.‡ In the seventh the same.§

In the Eighth Council of Toledo, not only bishops were assembled, but abbots, state officers, judges, and all the nobility, and all the orders of clergymen.† The decrees are signed not only by bishops and their proxies, but by the senior priest of the church of Toledo and by the governor of the minor clerks.§ From this “manner of proceeding” indeed, if a man were satisfied to find the *rule* in the *exception*, it might be argued that the *Eighth* of Toledo is the pattern for all councils. However it will not be amiss to remind you of some peculiar features in this council. It was in truth an assembly of the States, of which the bishops were the most powerful class. It was convened by the king himself for the reformation of all orders; for a remedy to the excommunication against rebels, decreed in the fourth of Toledo, and re-enacted in the *sixth* and *seventh* councils of that name; lastly, for establishing a law concerning the election of kings. The sovereign convenes a meeting for all these purposes, and declares, that he will maintain whatsoever the *clergy*
and

* In Can. III.

† Ibid. 623.

‡ Labb. 3. in decreto. Adeo ut p. 969. § Ibid. in subscript. 967.

*and courtiers agree upon.** This council was not more truly a merely ecclesiastical meeting, than it was a mere parliament of lords. It was *both* in appearance, and thus was not a precedent for *either*.

Yet in this very council, the exclusive right of *bishops*, in their *synodical* assemblies is proclaimed in words not to be mistaken. "The decrees of the Fathers, in times past, have wisely appointed *synodical meetings* to be holden, that in such meetings, wherein the holy spirit has collected the body at large, all disputes arising from opposition of opinions, may be terminated....We therefore, all and one, decree, that whatsoever by universal authority, *on causes of faith, or affairs of the church*, either in the past or the present, or in future regulations, is or shall be committed to writing by general authority, shall not be impugned but must be obeyed. Now, whensoever either a *sacred synod* is held, or pacifically any matters of definition are concluded *amongst the BISHOPS*; if *the minority*, through ignorance or obstinacy, will dissent, let them, after admonition, yield to the determination of *the greater number*; or retire in confusion or disgrace from *their body*."†

The

* In commune jam vobis cunctis, et ex divino cultu *Ministris idoneis* ex aula regia rectoribus *decenter electis* adjicio consentionis memorum verumque promissum, ut quodcumque, &c. Ibid. 955.

† Ibid. ex Can. XI. p. 965. decreta *præcedentium patrum*, ad jurgium penitus evellendum, *ritu synodalem fieri censuerunt conventum*,
ut

The ninth of Toledo is a Metropolitan council* of bishops;† consequently the signatures of *Bishops* out of the province of Toledo, is supposititious. This taints

ut illic de diversitate iudiciorum protensæ lites habeant terminum ubi S. S. universalem coadunaverit cætum. Ab hoc ergo S. S. succens....plena decernimus unanimitate connexi, quæcunque pro *fidei* causâ, ecclesiasticisque negotiis, aut præteritis in gestis, aut in presentibus constitutis, aut futuris etiam in decretis vel sint, vel fuerint definitiones conscriptæ *universali auctoritate*, nullus his deinceps contradicere audeat, nullus non implere contendat. Nam si quis *æ religionæ*, contra hæc inobediens extiterit, gratiæ et honoris sui, et communis sanctæ lugeat amissione multatus. Quum vero qualibet SANCTA SYNODUS AGITUR, aut pacifice INTER PRINCIPES quippiam definitur, i. *marches* per nescientiam vel contentionem forte dissentiant; aut communis sententiæ *plurimorum* cedant, aut ab *eorum Cætu* cum dedecore confusionis abscedant. In the confirmation of the canons a distinction is likewise made (Can. XIII.) between the matters enacted in *common*, and the mixt decrees from the ecclesiastical power solely. Nos autem omnes, &c. Coetera quoque decretorum nostrorum iudicia quæ *ab hac synodo*, &c. Without which distinction, it is scarcely possible to save the ecclesiastical authorities in that council from the entire assumption of political legislation. At the same time that I risk this observation, I am bound more by truth, than by antipathy and opposition of principle to the dictates of *Columbanus*, to notice, that the decree of the king, which mentions, that all the clergy in holy orders had agreed in calling for the there mentioned temporal law, is not to be found in the most ancient manuscript of Spanish councils, the *codex Lucensis*. But it is palpably written in the stile of Saint Idefonsus, who signs as abbot, though differing by many ages from the *Latin* of the canons.

* Ibid. preface 972.

† 976, Can. XVII. ad fin. Antiquitatis dehinc, &c. Moreover the *profe. is fidei* is omitted.

taints the whole list, in which, however, none bishops, one proxy, six *abbots*, the archpriest dean of the acolythes appear with the officers of household. There is no question here of any r in "the second order."

Of the tenth council of Toledo we ga from the introduction, from the decree concern Potamius, and from the signatures, that it a canonical synod. The principal business tr acted here, at least the most instructive on controversy is the decree of the bishops in the m of the bishop of Braga, who during the *pacific* of the synod (namely the confidential sessions amo the bishops on matters of faith and discipline), been reported on his own confession, as guilty immorality. This bishop was called before brothers, and examined in the "exclusive" v on this alleged confession. Not one, unless a *bi* was suffered to overhear.* Since we must trave Toledo, out of the king's high road of *general c* cils, I do not regret to have hit upon this instanc a "foribus clausis" synod; that *Mahometan inquisitorial* vexation.

The next Spanish council is fiercely and ex sively episcopal in all respects.† One would i gine that it had been convened, not less t ele

* Ecce enim tractantibus nobis, in pace Dei, de ecclesiarum regulis, delatum est conventui nostro epistolium confusæ confessionis &c. Tunc solitis tantum, secretisque adunatis pontificibus Dei dictum episcopum adesse coram nobis fecimus. Ibid. 983.

† Ibid. 993.

eleven hundred and thirty years ago, against our modern *Columbanus*. The council of *Merida* decrees, that bishops shall enter into an *obligation* when ordained, or if you will so call it, a recognizance canonical, to live in chaste celibacy and according to rule.* With regard to provincial councils, it requires that a bishop, absent through sickness, shall send, for his proxy, either his arch-presbyter, or one of his more accomplished priests, (but by no means a deacon) fully commissioned; and that such proxies shall *sit behind the bishops*, and *hear* what is resolved, and *sign*.† Not even episcopal proxies allowed to judge or discuss! This ordinance throws light enough on the fourth canon of the fourth of Toledo.

In the *eleventh* council of Toledo the canons speak as from *bishops*.‡ The signatures admit *abbots*, and the *archdeacon of Toledo*, as having a definitive vote. It gives no countenance indeed to the *right* of "the second order," but it establishes the privilege of *favour* in the Metropolitan, by which favour alone, the *archdeacon* could have been allowed to have a decisive voice. On this instance I find the claim of *archdeacons* has been rested for many years: but

U 2

surely

* Can. IV.

† Can. V. p. 1000.

‡ A provincial council. In the preface, p. 1018. (Hard.) *Convenientibus, &c. et quia non erat adunandum pontificum, &c.* p. 1019. Nos igitur per tot annos curvi ordinis nostri: also Can. II. per. tot. p. 1024: also Canon. III. decree concerning *abbots*: also Can. XV.

surely no pretension can be more absurd, than that which from *favour* to the *individual* would draw a conclusion of *right* for the *class*. If the *usage* be such, in formal synods, the allowance of the church is its best support. The office of archdeacon is of high antiquity, and of immemorial consequence. But, as to *defining*, the thing was never known, until introduced by the precedent of this council. I may safely and without scandal avow, that I consider those supplementary signatures, not only to be a fabrication,* but most probably that of Isidore = himself.

In the twelfth † of Toledo, although abbots sign, and officers of court, yet they equally sign without intermeddling, nor does an archdeacon appear, save one proxy.

led

* The last canon of this council, in which abbots are tacked defining, has these words. "We therefore have added finally our *natures* to these *our decrees*.....and as through our king the *dignity* *our order* is improved, may he attain to the dignity of the kingdom to come, ut quia per eum *corona* *nostri ordinis* in melius restaurat *coronam* futuri regni capiat." Ibid. *Corona* is the name of worship bishops.

† Ibid 1715. National, convened by the king, and consisting bishops and governors and dukes in tomo regis. Ut quia præsto &c. 1717. D. Capitul. I. Considentibus *episcopis* atque *senioribus* palatii universis, determines the validity of the king's title, by the *resignation* of Wamba. So Canon VI....Placuit omnibus pontificibus Hispaniæ atque Galliciæ. In the law of Heroigius, Quod a venerandis patribus et clarissimis palatii nostri senioribus est editum, defendatur. It was in this council the bishop of Toledo was created primate of the national church.

In the thirteenth of Toledo* we find that, besides seventy-five bishops and proxies, *five* abbots signed with the arch-presbyter, archdeacon, and preceptor of the minor clerks of the metropolitan church. This is true; but the act of signing, which is equivocal, (seeing that the dukes and generals sign also) is fully explained by the *declarations* in the council. "The king," say the acts of this meeting, "entrusted his clement wishes to *this council* for its confirmation, to wit, "presenting the book to "the Reverend BISHOPS."—"Upon which we thanked God, and gave our blessing "to the king." The book is addressed to the *most worshipful and most zealous followers of piety, the bishops*.† It states the king's pleasure and then, "To the wishes I have suggested, I pray you, "Fathers, to lend the aids of your power. For it is "clearer than the day-light, that whatsoever a SACRED "ASSEMBLY OF BISHOPS will decree to be observed, "must, by divine grace, endure immoveably."‡ Nor was the king singular in his opinion. The council

* Ibid 1735. *National*. Deinde religiosa vota suæ clementiæ, synodali conventui confirmanda commisit, offerens scilicet sanctis pontificibus tomum. Tunc nos gloriam dedimus Deo et eidem principi benediximus glorioso.

† Ibid. Ecce sanctissimi, religiosa pietute excolendi pontifices, et divini cultus instantissimi sectatores.

‡ Ibid. 1735. His votorum meorum insinuationibus allegatis quæso ut fortia paternitatis vestræ adjutoria prærogetis. Luce enim clarius constat quod aggregatio sancta pontificum quidquid censuerit per S. S. donum omni maneat æternitate perfixum.

council also informs us, that the king had willed the BISHOPS *assembled to make decrees* for the relief of his subjects.* The council also confirms the decrees of the *twelfth* of Toledo, declaring, at the same time, that every matter, had their *unanimous and deliberate* consent. In the law of confirmation, the king informs his subjects, that the authority of synods is to be venerated and feared, wherein, by divine grace, the *multitude of bishops deliver one unanimous* judgment;† wherefore he enjoins all, as well clergy as laymen, to conform to the decrees of the council.‡

What shall we think of the assertion of Monsieur Simon?

In the fourteenth of Toledo, if we look to the *signatures*, we find abbots and an archpresbyter *defining*. If we look to the acts and canons, we find the *definitive* right completely falsified. In charging with imposture those signatures of abbots *defining*, I do not rely on the absurdity of placing abbots, not episcopal proxies, before abbots commissioners, because this error may be accounted for. But when the synod expressly mentions, that it consisted of the *bishops of Carthagera, with the assistance of the deputies* from the above metropolitan sees, when
it

* Ibid. 1739. Ut in unum cœtum aggregati omnes Hispaniæ Pontifices illa decernerent, &c.

† Ibid. 1750.

‡ Ibid. 1751. Quamobrem sacræ hujus, &c.

it repeats this over and over again, * I cannot but reject those signatures, or reject the *canons*, which stand in exclusion of the signatures so modelled.

In the *fifteenth* of Toledo an archdeacon signs after the arch-presbyter, amongst the simple abbots: so does a chief of minor orders.† Now the text speaks nothing but *bishops*, and *officers of the court*. To these alone does the king address himself; upon these alone does he call to examine the causes laid before them,‡ along with his prime nobles, and to judge.

In

* Ibid. 1753. Can. I. Nos proinde Carthaginis provincie *præsules*. Can. II. In Cujus (Leonis P. P.) etiam gratioso epistolæ tractu ad hoc omnes *præsules* Hispaniæ invitati sunt, ut prædicta synodalia instituta nostri etiam vigoris manerent auctoritate suffulta. Can. III. Licet in unum generaliter colligi omnium *Hispanorum præsulum* societas nequiverit, sparsis tamen sedibus ... præfatas regulas pertractandas suscepimus. Can. V. Ideo nos primum Carthaginis provincie *pontifices* assistantibus nobis vicariis, iterato ea *ipsa gesta* (i. e. the acts of the sixth general council) *probavimus*. From these marks it is easy to perceive that the "*hæc gesta a nobis definita*," which is tacked to the *abbots and proxies* and the one *arch-presbyter*, is the addition of some very ignorant knave.

† 1771. This is another bull. The archdeacon always had precedence, as the necessary delegate of the bishop, before all the clergy and, before the council of Chalcedon, had *ordinary* jurisdiction.

‡ Ibid. 1759. Apud urbem Toletanam, omnis Hispaniæ Gallique *pontifices* aggregati dum cunctis residentibus in aspectu singulorum, &c. adfuit item princeps...quique in medio *pontificum* positus, humo-
que

In the sixteenth the *proceeding* is exactly the same. The council begins by declaring, that each of them took his seat according to seniority of *ordination*. The king addresses the *bishops alone*, compliments them on the etymology of their title, hopes for counsel from their *episcopal* wisdom, and prays *them alone* to attend to the settling of ecclesiastical causes.* He concludes by conjuring the *bishops* and the nobles who serve in the council, either through his precept, or from the nature of business to be there determined, to confer and decide on such matters in equity.† The signatures to this council exhibit *abbots*, but not even an arch-deacon. Whether those abbatial signatures as *definitive* can be genuine, if the

que prostratus sacerdotum Dei se commendat orationibus...deinde innexa tomo vota Dei sacerdotibus tradidit, relegenda... Ecce sublimi, patres, et cœlesti jure honorandi mihi pontifices, vestri ordinis adieunctum, &c. vestris (1760) hæc pertractanda sensibus, vestrique iudiciis dirimenda committo...contestans generaliter omnes et vos sacrosanctos pontifices, et vos regalis aulae viros nobiles, ut in his omnibus, &c.

* Ibid. 1787. Ut quia Ecclesiæ sanctæ catholicæ, digna speculatione præstatis, votis meis fautores sitis; vestrique pontificatus meritis, in regendis populis, &c.

† Ibid. 1789. Hoc solum vos honorabiles Dei sacerdotes, cunctosque illustres, &c. In Can. XII. p. 1802. the *bishops* declare themselves enacters of all the decrees, and assume, when congregated unanimously a divine authority. The thirteenth canon is in fact the royal edict of confirmation, and orders all to obey the decree of the synod enjoining all the *bishops* of the province of Narbonne to hold a council, and, after due investigation, to sign according to rightful precedence.

the canons and acts of the council are sincere, let every man judge according to his own measure of rationality.

The seventeenth of Toledo and last of the Gothic Spanish councils, has no signatures; nor is it probable that it had any. Its stile, however, is clear enough. "We the BISHOPS of Spain and the Gauls, having assembled in numbers, and taken our seats, our king Egica made his appearance amongst us;" and so the acts proceed in the name of the bishops,* as not only enacting but consulting amongst themselves.

x

From

* Hard. *ibid.* p. 1810. Dum in ecclesia Gloriosæ Virginis...plerique Hispaniarum et Galliarum pontifices convenissemus, adfuit idem serenissimus princeps et in medio nostri consistens...sese benedici a nobis poposuit. ... His actis, Tomum manu propria nobis obtulit, inquires etc. Tunc unusquisque nostrorum suo in loco residens tomum ipsum recitari præcepimus, & quæ necessaria erant, alterna collatione pertractare curavimus. This synod appears to have introduced the rule mentioned by Isidore in his "manner of proceeding," namely, that during the first three days of a synodical meeting, no laymen should be admitted, nor any business, except regarding faith or discipline, should be transacted. (*ibid.* p. 1813. Can. I.) Opportune institutum duximus, and after p. 1818 in the confirmation by the king. I. De tribus diebus quibus in initio concilii nihil aliud agendum jubetur nisi tantum de fide ac de aliis rebus spiritualibus, nullo secularium interposito. Those good old Gothic bishops imagined themselves secure in their chairs during those three days, by keeping out the laity. They little apprehended an insurrection within doors, or that a bill of rights could be moved by any one of the "second order" calling on them to share.

From this review of Spanish councils, I trust, no longer to be doubted, that whether priests of "second order," or abbots, or field-officers, or laymen were present or absent, the right and authority in causes ecclesiastical, of propounding, discussing, acting, sanctioning, and *confirming by subscription* is recognized in *bishops alone*; and that if allowed to any persons, not being bishops, the concession must have been free, must have been occasional, and subject to resumption, whenever *bishops* should judge necessary to do so.

In the case of an authority, such as that which bishops lay claim to, of divine institution, there be *voluntary* partnership between individual bishops and individual kings, or individual *priests*, whose unity in the christian law is above that of kings; there can be no transfer, nor alienation of such authority; there can be no prescription of *use*, there be no bar *from disuse*, there can be no title either in the allowance, or in the canons even of general councils, against the everlasting foundations of the gospel. If the spectacle of high priests assembled with all their inferior dignities around, is more pompous than those *private* and slandered congregations of *bishops alone*; let it not be forgotten, HE who established the apostles, is ever present where *even two or three*, with HIS authoritative presence *are assembled*. If the appearance of a *council*, which all the gradations of hierarchy are displayed is more imposing, more affecting, as it surely

than the homely conference of prelates; if such a display, like the vision of Jacob, in which angels were seen ascending and descending, will also force the beholder to cry out "How awful is this spot! verily it must be the dwelling of God, and the gate of heaven!" yet it must be recollected, that were this array of spiritual offices even possible to be revived, after so many years of intermission, without any danger of rivalships or pride, or of jealousies from without; still as long as it is insisted on, as an *essential* right, so long must it be postponed by those, whose office it is to preserve the *undoubted* right, from the issue of an unsparing and clamorous onset. I hope to see that day when *councils* may safely be held, on the plan of the most ancient and general synods, which I have quoted: but I know it to be more essential *now*, that apostolical *authorities* should be safe from levelling assault, than that priests of the "second order" should sit *behind a circle* of bishops; or that doctors should sit in a *parterre*.

I should even suppose that in Ireland, the priests of the "second order" neither feel complimented by this uncouth appendix to their stile, nor do they sigh with any great impatience now, for the practical restoration of the *fourth canon* of Toledo. They are pretty much aware of two things; the one, that if such meetings should be brought about, *in consequence of this new attempt* to cry down episcopal authority, the bold and disorderly, and most unserviceable in their class would be *lords of the articles*,
and

and would trample down their own unambitious titles, as well as those of the fathers of the Irish church. The second point is this: Whereas, by jargon of "*old canons*," and "*exclusive dominatio*" and "*inquisitorial tribunals*," the bishops could *ad libitum*, trodden into dirt, at the same time, to what *Columbanus* terms, "*the egis of law*,"—*liberal, veto-giving, anti-popish* law would be resorted to, in case the bishops should attempt to rebuke their persecutors according to *any* canons scriptural ecclesiastical: the rallying point of christian aggregation would become a nullity, and the *benign law* would soon interfere to *abate the nuisance* of the called, the CATHOLIC CHURCH OF IRELAND.

Jacet ingens litore truncus,
AVULSUMQUE HUMERIS CAPUT, et SINE NOMINE CORPUS.

I have kept for the last the *council* of Eliberis, & the *first* of Toledo. Is it because these councils gave to presbyters the right of *discussing, judging, signing*? No such thing. In the council of Eliberis the *bishops alone speak*; in the *first* of Toledo the *bishops alone speak and decree*; so that, if the claim of a right to *discuss* or to *vote*, were to be tried by the test of those councils, not only *Monsieur Simon* in his *select letters*, but *Columbanus* himself in his rattling *Marseillois*, would find a sufficient answer. In the preambles suited to those councils the *Isidorian manufacturers* I find presbyters mentioned as *sitting*. That such presbyters were *procurators*

if really sitting in council, is evident from the things proved: that proxies *may* have been in those councils, is not improbable. Why then do I boggle at the preambles to those councils? Merely for this: because the preambles are forgeries: because the *suppression* of the patent, by which those presbyters, if ~~existing~~, were introduced, may have been ancillary to the fraud of those, who from such suppression of fact have argued to the right of presbyters; and thus the detection of a forgery, otherwise contemptible, becomes important. I say then, that in the council of Eliberis, the phrase expressing the *sitting* of presbyters, as it stands, is forgery; I say, that in the first of Toledo, the phrase, that presbyters were *sitting together*, is forgery. Whether I am wanton in these assertions or not (for the question is already so settled, that I cannot be supposed to stand in need of this superfluous proof), is a critical problem of no difficult solution for any scholar; indeed of such elementary cognizance, that I will not lower my text, by giving room to the paltry conviction of barbarous interpolation. You may peruse the note, * or you may believe in those preambles as genuine, or if you will, you may think nothing further on the subject.

I am, Reverend Sir,
&c.

* See note to this letter.

NOTE to Page 157.

In the preamble to the council of Eliberis we have this stile. *Cum consedissent sancti et religiosi episcopi* in ecclesia Eliberitana, *hoc est*, Felix Episcopus Accitanus, &c. *Residentibus* etiam viginti et sex presbyteris adstantibus diaconis et omni plebe, episcopi dixerunt. In this description there are four decisive marks of imposture. First, the addition of *sancti et religiosi* to bishops, is taken from the council of Ephesus, which was held about one hundred and twenty years after the supposed date of the council of Eliberis, and is purely and solely the Greek ceremonial. Secondly, the *hoc est* is a grecism, *ἡτοιμασται*, copied from the roll of the council of Chalcedon, and introduced into Spain by St. Martin of Braga, a Greek, late in the sixth century. Thirdly, the contrast between *considentibus* and *residentibus* is borrowed from the fourth of Toledo, through the ignorance of the fabricator, as to the import of the latter term, which he thought to signify *sitting behind*, whereas it means either *sitting* or *taking a station*. Fourthly, as to the term *adstantibus*, the fabricator being ignorant, that in the age to which this council belongs, the deacons acted as doorkeepers and apparitors to synods, and that such duty was expressed in Latin by *adstare*; that, of consequence, *adstantibus diaconis* signifies, not that *deacons were present*, but that they were *in waiting as officers*; the fabricator, I say, not being aware of this, has given us *deacons and all the laity turned into officials*.

The manuscript copies, as we are told by the editors of
the

the Spanish councils, avry as to the number of bishops present. One copy cited by Hardouin, I. 149, 250, gives the names of twenty five *presbyters*. By comparing these names with those of the bishops assembled in the council of Carthage under Saint Cyprian, it will be easy to discover whence the Spanish compilers stole the great proportion of their recruits. The others are either barbarous attempts at Greek nomenclature, or borrowed from the council of Arles.

A similar inspection will demolish the interpolation in the first of Toledo. "*Convenientibus episcopis in ecclesia Tolato, id est Patruinus, &c. omnes decem et novem isti sunt, qui et in alijs gestis adversus Priscilliani sectatores, libellarem direxere sententiam, considentibus presbyteris, adstantibus diaconis & ceteris qui intererant concilio, congregatis.*"

Observe, first of all, the *id est*, instead of *his*. Secondly, the *ecclesiam Tolato* (for as to the false Latin of *Patruinus, &c.* I pass it over): Thirdly, the *omnes decem & novem isti sunt*: Fourth, the *libellaris* sententia, a phrase which I do not find explained by the commentators. Know then, that as in the Latin translation sent into Africa, by Atticus of Constantinople, the ending of the Nicene, Can. I. *ἡ τοῦ κανὼνος ἀποφασὶς ὁ ΚΑΝΩΝ*, is rendered, hos tales ad clerum applicat Regula; because, forsooth, *κανονίζω* is *ad regulam applicare*; just so the manufacturer of this parenthesis, having found in some glossary *κανον libella*, *κανονίζω ad libellum dirigere*, invented the elegant *quid pro quo*, of *libellarem direxerunt sententiam*, for *canonice statuerunt*. Fifth, the omission of the bishops taking their seats. Sixth, the knavery of the general and indistinct *ceteris, qui intererant, congregatis*.

gatis. Seventh, the introduction of *Patruinus*, who was dead when this council was held. For in the interpolated preamble, *Patruinus* is made to say, “*Mihi autem placet constituta primitus concilii Niceni esse servanda;*” whereas Innocent the first, writing to this very council (Hard. I. 1024), and referring to this very dictum, § VI enjoins the fathers to examine the cause of *Gregory*, who had succeeded the blessed *Patruinus* deceased. § V. Consequently the whole preamble from *id est, Patruinus*, to *Patruinus dixit*, is a fraudulent addition.

Bingham, in his *Origin. Eccles.* 1. 7. ch. 3. § 13. asserts, that in the fifth age, abbots did subscribe in councils; relying on the signatures to the seventh session of the synod of Constantinople under Flavian. It happens notwithstanding, 1. that the *stile* of those very signatures demonstrates those abbots to have signed *not in the council*. For the subscriptions run either thus, “*I — have subscribed to the deposition of Nestorius,*” or, “*to the deposition of Nestorius, late presbyter and Archimandrite.*” (Labbe. IV. 230) 2. The acts of the synod testify the presence of *bishops only*, and of those ecclesiastics, who acted as reporters or officials, as having had a part in its proceedings. (ibid. 151, παρόντων δε, besides *bishops*, και ἰν ταῖς ἀναφοραῖς νομισαμένων κληρικῶν). In the petition of Eutyches himself to the lawless convention of Ephesus, it is stated as a grievance, that Flavian had circulated through *the monasteries the sentence of his deposition*, and had compelled *even monks to sign their conformity*. a thing, says Eutyches, without precedent, even in the case of avowed heretics. (ibid. 143. Και καθυπογραφῶν τῇ TENOMENHΙ καὶ ἡμεῖς ὑπὸ κατπαγκασ

MONA-

MONAETHPIA, εδικοί τοιαύτης συνθέσεως, εδικοί καὶ ἀρχιμων κραι-
 ῖστος). 4. Amongst other charges against Eutyches,
 was that of his having, while under citation, drawn up and
 sent off through the several monasteries, a profession of
 faith, *to be signed by the archimandrites*, of having stirred up
 the abbots to make common cause with him against Fla-
 vian their bishop, and of having warned them to beware of
 subscribing the declaration, which Flavian was providing
 for them. (ibid. p. 198, 199.) The synod, upon this, dis-
 patched clergymen to investigate the fact. The abbot
 Martin declared, that Eutyches had applied for his signa-
 ture; but that he had refused it, saying, that it was not
 his province to sign doctrinal professions, but that it
 was the *exclusive province of bishops*. This, by the by,
 is explicit enough. (εἰπω μὴ εἶναι τοῦ ὑπογράφειν, ἀλλὰ τῆς
 επισκοπῆς μόνου ibid. 210.) Faustus the abbot de-
 clared, that he and his monks were children of the
 church, and next after God, esteemed the authority of
 their bishop (ibid. 212). The abbot Job declared, that
 he had received no written formula from Eutyches, but
 merely a verbal communication, that, within some few
 days, the bishop was to direct a written test to him,
 and to be on his guard against subscribing, (ibid. φασὶν
 οὐκ εἶναι τῇ ἡμέρᾳ ταύτῃ τὸ μὲν εἶναι τοῦ ἀποστελεῖν ὁ ἀρχιεπισκο-
 πος ὡς εἰς ὑπογράψαι καὶ μὴ πισθῆναι). The abbots Ma-
 nuel and Abraham had received no message nor declara-
 tion from Eutyches. Now these five abbots, who until
the fifth session of the council, appear to have remained
within their cloisters, are amongst the foremost, who sub-
 scribe the act of deposition which took place five days

after. The ancient Latin translation of this synod under Flavian, gives the subscription of each abbot—in *depositione* Eutychetis subscripsi; which is accurately that terme by *Eutyches καὶ συνόψεσιν*, i. e. to testify conformity. As in the acts of the council of Aquileia (Hard. I. 831. Labbe I 987), Saint Ambrose interrogates Attalus the Arian presbyter, “Attalus subscribed the declaration of faith of the Nicene council. Let him speak whether he subscribe the declaration of faith of the Nicene council. As a presbyter he has the privilege to speak.” Ambrosius episcopus dixit: Attalus in tractatu Nicæni concilii subscripsi. Dicat hodie utrum subscripserit in tractatu Nicæni concilii an non. Attalus presbyter, licet inter Arianos s tamen habet auctoritatem loquendi: libere profiteatur, utrum subscripserit in tractatu N. C. sub episcopo suo Agrippino s non. The critical remark of Hardouin on this passage even amusing. Being unacquainted with the meaning *tractatus* as well as of the *subscribing* here expressed, as supposing that Attalus is said to have subscribed *during the discussions* at Nicea, he observes, that Attalus must consequently have been then *at least 90 years old*. He forgets however, that in this council, Sabinus the bishop also declares that he himself and others were able *to bear testimony* to the fact. (ibid.) In the fragment of the letter of S Damasus to Paulinus of Antioch (Labbe II. 864. 865, which accompanied the profession of faith by the Western bishops, the rule for admitting to catholic communion is spoken of. Fidem nostram misimus non tam tibi quam i qui in ea subscribentes, tibi voluerunt sociari. Quapropter ai filius meus Vitalis & qui cum eo sunt, tibi voluerint aggre-

gar

gari, debent *in ea expositione* fidei subscribere, quæ apud Nicæam pia Patrum voluntate *firmata est*. So that this sort of *signing* excluded the *right of judging*, and left the mere alternative of *obeying* or *disobeying*. In short, this *signing* was the condition imposed by a prior authority, not the evidence of any right in him who signed, to disagree.

LETTER

LETTER VII.

On the Councils of Rome in the time of Miltiades, & of Arles during the Popedom of Sylvester. Cecilius of Carthage and the Donatists. The Bishop of Rome, Patriarch of the West. Learned arguments of COLUMBANUS against this fact, On Patriarchal Synods and Authority,

REVEREND SIR,

HOW often do we find occasion to *lament* the miserable ignorance of ancient times, which must appear to have conspired against the general catholic doctrines of Columbanus! In every shape-council, and in every nation; in national as well in provincial councils; in Africa, in the Gauls Spain, we have perpetually detected those *heretical* usurpers, the BISHOPS, in the very fact of judging legislating, with as exclusive an air, as if they were
bellie

believed their own authority to be supreme and above contradiction. As yet, however, a portion of my task remains unaccomplished; that of reviewing *patriarchal* councils, as certain synods must now be termed in deference to the ecclesiastical language prevailing since the beginning of the sixth century; and amongst patriarchal councils, of adverting particularly to those which were held by the bishops of Rome.

There are *two* arguments to be disposed of, before I commence this review; the one from *Columbanus*, and adverted to formerly by me, that “Constantine “in his *encyclical letter, which is still extant, ordered “that each bishop should take two priests of the second order, in the same public carriage, in which “he was conveyed himself.”** The other argument was lent by me, in aid of *Columbanus*, and brought forward the authority of Henry Valois, a most learned Grecist,† that the Marcus (to whom conjointly with Miltiades of Rome, the Emperor Constantine referred the matter of Cecilian in the first instance), was a *presbyter* of Rome, and was he who held the chair of that city after Pope Sylvester.

This latter argument I will first dispatch, and briefly. Marcus was a *bishop*; Valesius was prejudiced so far, on this his favourite idea, as to commit unpardonable violence on his text in the shape of comment. The very letter of Constantine declares him

* Colum. 4th letter, p. 57.

† In my 2d letter, p. 39.

him to have been a *bishop*. Take this for certain, and read my note at your leisure.*

Now

* In the beginning of this chapter in Eusebius, the readers are apprized that the *original* rescripts, of which he either publishes, or attempts translations, were in *Latin*. This observation I wish my reader will keep in mind for the letter to Miltiades now under consideration, as well as for that to be shortly considered, from the Emperor to Chrestus of Syracuse. The letter to Miltiades is addressed "to Miltiades bishop of the Romans, and to Marcus, *καὶ Μαρκῶν*." Valensius assumes, that one and the same letter contained the address to *both*, and, as but one bishop could be then bishop in Rome, he was led to infer, that Marcus must have been a presbyter within the same church. Now the supposition of Valensius is certainly gratuitous, and shall be proved thus a mistake. First of all, the concluding salutation in the manuscripts, is "Most Reverend Sir, *ἡμισεβαστά*," which Valensius, on the sole authority of Nicephorus, changed to *ἡμισεβαστά*, *Most Reverend Sirs*, against that elementary rule of arbitration of readings, which suggests, that no transcriber will substitute an obscure and unintelligible solecism for a plain and consistent reading, but rather that every transcriber is prone to err by preferring an easily apparent meaning to an obscure one. Secondly, the text itself proves, that the letter to Marcus was not the identical letter sent to Miltiades, but varied from it in the particular of *place*. "I have resolved, says Constantine, that Cecilian shall go by water to Rome, in order that you, Sirs, being assembled thither as well as Reticius, Maternus and Marinus, your Colleagues, whom for that purpose I have enjoined to hasten (from Gaul) to Rome, &c." *ὅτι ἡμεῖς ΕΚΕΙΣΤΕ παρόντες, ἀλλὰ μὲν καὶ Ρηίσιον καὶ Ματέρνην καὶ Μαρὸν τῶν πολλῶν ἡμῶν.*—It is plain therefore, that he, to whom this part of the letter was addressed, had to travel to Rome: of consequence this phrase was not in the letter to Miltiades; and necessarily, if both Miltiades and Marcus were summoned, it must have been by two distinct Imperial letters.

Thus

No. 1, "to the *encyclical* letter of Constantine, which is still extant, ordering that each bishop shall take two priests of the second order, in the same public carriage, in which he was conveyed himself," I fear I must be prolix, but indeed the subject is meritorious. Indulge me in time and with your patience. I undertake not only to make you wonder, but to make you smile at the acuteness of our new antiquary.

The only letter in existence, from Constantine, on the subject, is that to Chrestus, bishop of Syracuse, whereby this latter is summoned to a council of bishops

Thus the whole foundation of the hypothesis, on which Valesius had built up his conjecture, is gone.

All this granted, it does not appear as yet, some one will say, that Marcus was a *bishop*. Constantine however asserts it: he informs Miltiades and Marcus, that Reticus, Maternus and Marinus were their *colleagues*, and these three latter were bishops. The term *colleague*, of which Eusebius has preserved the Latin word, was the known title of a bishop to his compeer, and had been established at least from the age of Cyprian, as *συλλειτουργός* in Greek. If any doubt could remain on the subject, the Emperor has intimated in this very same letter, that he employed the word in its proper meaning. "It is related, that Cecilian, bishop of Carthage is impeached on several counts by some of his COLLEAGUES: and it seems grievous to me, that the multitude should be almost in a state of sedition, and that BISHOPS should be in litigation amongst themselves, &c."

Αποφασίζεται Κακωδίασι τον επισκοπον. . παρα των ΚΟΛΛΗΓΩΝ αιδε εν συλλογας πραγμασι ευθυνεσθαι και Ιστο μιν βαρυ σφοδρα δοκει. . . εχονε υποσχεσθαι ωσταν διχοστατυντα και μεταξυ ΕΠΙΣΚΟΠΟΥΣ διαφορας εχουσιν.

There

bishops to be convened at Arles in Gaul, concerning the schism in Africa. This second council on the one subject was improvidently granted by Constantine, after a decision pronounced in the synod of Rome, which decision as well as the intervention of Pope Miltiades is related in the letter of summons now to be examined, from the Emperor to the Sicilian bishop. The important words of this letter are these, as exactly as they can be rendered, and as favourably to *Columbanus* as is possible, without falsifying the text. "Whereas I" Constantine "have ordered a vast number of *bishops*, from all "imaginable quarters *to assemble in the city of Arles*,
 "no

There is yet a difficulty in the text of Eusebius where "*the assembling thither of you*" is expressed with *you* in the plural number. The difficulty, in fact, is founded on a misapprehension. The words, *ὑποτάσσουσιν ὑμῖν*, are not addressed to Miltiades and Marcus *jointly*, but to *either*, considered along with Cecilian and his train, when arrived from Carthage.

The Bishop *Marcus*, to whom a letter was thus directed, is, in all likelihood, the *Marcus* of Calabria, who attended and signed, (ten years after the council of Arles), in the great council of Nicea. The error of throwing into one the separate letters to this latter bishop and to Miltiades, in this posthumous work of Eusebius, is accounted for, either from his having taken an extract from the Imperial Archives, to which he had free access, and in which all the persons addressed for the same purpose, were registered *at once*, or from the chance, that Eusebius, when at Nicea, obtained from Marcus a copy of the letter addressed *to himself*, and the information, that another letter of the same import had gone to the Bishop of Rome.

"on or before the first day of August, I have
 "thought fit to write to *thee also*, that so *having re-*
"ceived from Latronian governor of Sicily, the state-
"conveyance, associating also to thee of those be-
"longing to the after-chair, any two" (but not more),
"whom thou of thine own wish shalt think meet to
"select, and moreover bringing for that purpose,
"three servants, such as shall be sufficient to attend
 "You on the journey, thou be at the place of ap-
 "pointment on or before the said day, in the afore-
 "said city, to the end that, by the aid of thy wor-
 "ship and through the cordial and unanimous agree-
 "ment of *the others assembled*, this obstinate ill...
 "may be reduced to true religiousness...and fra-
 "ternal concord."*

You have now the document before you. As yet I refrain from questions of criticism, or of the most humble erudition. I would ask but these plain questions. Is there any thing in this extract (and besides this extract, there is not a particle of ancient history,) to palliate the rash assertion of *Columbanus*, that this letter was *circular*? Were the bishops in the north

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of

* Euseb. X. Ch. v. ἐπεὶ δὲ ταύτην πλείους ἐκ διαφορῶν καὶ ἀμυθῶντων
 πωλεῖν ΕΠΙΣΚΟΠΟΥΣ εἰς τὴν ἀρετῆς καὶ πωλιν εἰσω Καλαῖδ. Αὐγῶς.
 ΣΥΝΕΛΘΕΙΝ ἐμελευσάμεν, καὶ Σοὶ γράφαι ἐνημισμαίην ἵνα λαβῶν παρὰ
 τε λαμπροῦ. Λαζονίαν δημοσίον ἐχρημα συζευξας σεαυτῷ καὶ ΔΥΩ ΓΕ
 τῶν ἐκ τοῦ δουλίου θρόνου ὡς ἐν ΣΥ ΑΥΤΟΙΣ ἐπιλεξασθαι κλητῆς, αὐ-
 λα μὲν καὶ τρεῖς παῖδας ἵνα διηγομένης ὑμῖν κατὰ τὴν ὁδὸν ὑπερετι-
 σασθαι παύσασθαι, εἰσω τῆς αὐτῆς ἡμέρας ἐπὶ τοῦ προεξημεῖται τῶν
 σωματικῶν, οὐ δια τε τῆς σῆς ἐρετηλῆς καὶ δια τῆς λοιπῆς τοῦ
 ΣΥΝΕΛΘΕΩΝ ἡμετέρου καὶ ἡμετέρου ἱερέων. η. τ. λ.

of Italy, were the bishops in the west of Spain were the bishops of York and of London, were the bishops in the Gauls to apply to the *governor* Sicily for a state-conveyance, (or a *public carrying* as *Columbanus* happily gives it, forgetting that *et* Sicily is vulgarly talked of as an island,) to *send* them, with "two priests of the second order" the city of Arles? Again, supposing that by the of "the second chair" we must understand "*Pri* of the second order;" admitting for the present moment, that the bishop is *ordered* to take with him those two priests, was it possible for *Columbanus* have singled out a more crushing text against the *divine* right of "priests of the second order" *attend, sit, and discuss in councils*, than this text wherein Chrestus, the bishop, is informed that "a *two*, such as *he himself shall think proper to choose* shall accompany him?"

But, to come to the serious issue, *Columbanus* is misunderstood, with his usual felicity, the entire the Emperor's direction. The *state-conveyance* mentioned in the letter, was not, as he supposes, a *public carriage*, but the patent and privilege of conveyance at the expence of the state;* which patent, containing the number and quality of persons so privileged, and the duration of their privilege, liable to be examined by the officers of the highway

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* Vid. Cod. L. XII. De cursu publico, tit. 2.

† Ejusdem Tit. 3. *Exemptiones ab omnibus*.

Now Chrestus having been summoned by the Emperor's letter to Arles, is desired to apply to the governor of Sicily, for an *evectio* of this kind, comprising the list, called *series evectiois*, of persons not to exceed six, namely two persons "of the second chair," (of the meaning of which words we shall see hereafter,) and three male attendants. Inward therefore of this direction being an order to the bishop, to take with him "two priests of the second order," it is an indulgence to Chrestus, that he shall take as many as two, but not more, for companions in the patent, and as many as, but not more than three servants.* Valesius, who has maintained against Sirmond and Baronius, that the "two of the second chair" meant "priests of the second order,"† yet in his dissertation on the schism in Africa, writes expressly, that Constantine, by the words, "associating" and so forth, gave permission to Chrestus ‡ to bring with him as companions, two persons of the second order. Thus far, I presume, we have made some impression on the two strong points of assertion in *Columbanus*, namely, that the letter was circular to the bishops, and that it ordered each bishop to take with him, in the same public carriage

* This is perfectly clear in the Greek of Eusebius καὶ ἐκκλησίας αὐτοῦ καὶ ὁμοῦ.

† In annotat. ad Libri X. Cap. 5. *Idem ex his deinde obsequi.*

‡ De Schism. Donat. Ch. 9. Extat certe epistola Constantini ad Chrestum, qua Constant. ei permittit, ut duos secundi loci comites sibi adsumat. Nec tamen Chrestus oblata sibi facultate uti voluit.

riage in which he himself was conveyed, two *pr* of the second order. *Who* in reality may have those two companions, alluded to by Constan is now a mere matter of antiquarian curiosity. I not think that priests were intended by the d nation.*

Let us suppose that *priests* had been meant. the pretended *order* obeyed by Chrestus of Syrac Did Chrestus take along with him to Arles " priests of the second order?" It appears not. went off to Arles with a single deacon. Th strange. What, if not one amongst the *bish* who assembled thither in council, had as compar " two priests of the second order?" And yet signatures to the council and epistle prove thi have been the fact. Out of *thirty-three bishops*, four are accompanied by " the second order;" is to say, each of those four by a single *presb* Marinus himself, within whose diocess, and in w city the council was held, brought with him *presbyter*. Yet *deacons*, *lectors*, and *exorcists* taken by bishops in the same " *public carria* with themselves, notwithstanding the *encyclical* of Constantine, and did sign the letter to Pope vester, with the canons subjoined, although *bishops* who *alone* speak in that letter, have the surance to mention nothing more than the sumi to themselves from Constantine.

However, it may be argued, although the peror did *not order* any bishop to take " *pr*

* See Note at the end of this Letter.

priests of the second order" to the council, yet he considered, that these were accustomed to sit as judges in such meetings, and therefore that they held at least a prescriptive authority for sitting in judgment, along with the bishops.

Let Constantine himself speak. The council at Arles had declared Cecilian innocent, and rightfully ordained: the Schismatics appealed from the synod to the Emperor. Hear the words of Constantine to the Catholic bishops. "They demand of me to pronounce judgment: of me, who await submissively that Christ shall pronounce his judgment. For I affirm this to be real truth: the Sentence of the PRIESTS," i. e. bishops "is to be considered as if uttered by our Lord sitting in judgment; for they cannot entertain a thought, nor make a decision, different from that which they are fully taught by the dictation of Christ."* These expressions perfectly coinciding with those of the same Emperor to the churches, after the Nicene decision,† will excite at least, a moderate degree of surprise in those, who find *Columbanus* seeking from the mouth of Constantine, (for whom *episcopal* authority was first and last, and all,) a side-winded quotation for the judicial right of the second order.

Saint

* In Hard. I. 268. Meum judicium postulant, qui ipse judicium CHRISTI expecto. Dico enim, ut se veritas habet: SACERDOTUM judicium ita debet haberi, ac si ipse Dominus res dēns judicet, etc.

† Letter 2nd, p. 50. In the same letter of Constantine, I find the *αναφορα προς τον βασιλευσιν*, expressed by *caelestis provisio*.

Saint Augustine has repeatedly urged against the Donatists, the judgment of the bishops at Arles, and the reverence manifested by the good and great Constantine for episcopal *exclusive* right. Speaking of the unconquerable effrontery of those schismatics in calling for a council of bishops in the first instance, which council was held at Rome under Pope Miltiades; and when this council decreed against them, in demanding a council of review again, (when the bishops of Arles confirmed the former decision,) in appealing to the Emperor "They" the Donatists "had the audacity," says he "to impeach the authoritative sentence of BISHOPS, (assembled at Rome) "not before others, the colleagues of those judges, but before the Emperor." He granted them another trial at Arles, *that is to say, of other BISHOPS; not because it was any longer necessary, but in meek concession to their wrong-headed obstinacy; and desirous as he was, by all possible means to put a stop to their abandoned importunity. For, being a christian, the Emperor did not presume to make himself so far a part in their riotous and fallacious criminations, as to erect himself into a judge on the judgment of the BISHOPS who had sat in Rome: but, he appointed as I have said, other BISHOPS; and yet from these they appealed a second time to the Emperor.*"*

I would

* Augustin. Ep. CLXII. *Judices enim ecclesiasticos tantæ auctoritatis episcopos, non apud alios Collegas sed apud imperatorem accusant, auti sunt, quod male judicaverint. Dedit ille aliud Arelatense judicium aliorum*

I would fix your attention on this schism of the Donatists, and lead you back from its fatal termination to its first arts of discord. This intestine war, after filling Africa with murders, exposed that province to Vandalic invasion, to the cruelty of Arians, and to the expulsion of more than four hundred Bishops. When, by the arms of Justinian, the country was regained to the empire, the schismatical fury revived. All discipline had been ruined during the interval, nor was Africa pacified, until the crescent of Antichrist arose in bloody mist over the setting sun of Christianity. The dominion of that country is now shared between the beasts that kill, and the infidelity that depopulates. Thanks, many thanks does the Spirit of extermination owe to the rebellion against episcopal supremacy; and to the substantial and respectable laity of that capital, who conspired with the disappointed clergymen, Botrus and Celacius! Cecilian had been elected to the see of Carthage which held the primacy of all Africa; and to preclude the intermeddling of wealthy agitators, he was ordained by one of the bishops sojourning in the capital, whereas the usage had been, that the senior Bishop of Numidia should ordain him of Carthage.

The

aliorum scilicet episcoporum; non quia jam necesse erat, sed eorum per-
versitatibus cedens et omni modo cupiens tantam impudentiam cohibere.
Neque enim ausus est Christianus Imperator sic eorum tumultuosas
et fallaces querelas suscipere, ut de iudicio Episcoporum, qui Romæ
sedebant, ipse judicaret, sed alios, ut dixi, episcopos dedit, a quibus
tamen illi ad ipsum rursus Imperatorem provocare maluerunt.

The conspirators immediately send off to exasperate the Numidian bishops, and to invite them to hold a synod on the spot. Cecilian, though ordained and recognized by his flock, is cited by the Numidians his inferiors, and excommunicated for contumacy; an administrator of the see is appointed, whom the populace is said to have made away with, and Majorinus, who held some employment or other in the household of the lady Lucilla, is ordained, in schism, bishop of Carthage. The province soon after voluntarily submitted to Constantine, upon the fall of Maxentius; and, from motives of policy as well as of goodness, the misconduct of the schismatics was tolerated, until it rose to wild anarchy. At length the Donatists applied to have a trial before the bishops of Gaul. The Emperor summons the chief Gaulish prelates to hold a council in Rome under Miltiades the Pope, who gave judgment for Cecilian, but allowing those of the Schismatical clergy, who would return to Catholic peace, to retain their orders. From this council, the first appeal was to Constantine, on the grounds which you shall learn from his letter to the governor of Africa: “ I
 “ hoped, that an end would have been put to the
 “ seditions and quarrels of those men. I now find
 “ from your letter, that they are equally regardless
 “ of their own safety, and of the fear of God, while
 “ they persevere in a conduct, which redounds to
 “ their own infamy, and moreover, supplies the ad-
 “ versaries of our religion with matter for derision
 “ and

"that party have appeared before me, asserting
 "Cecilian to be unworthy of officiating in the
 "way of christians. I replied, that the allegation
 "was idle, whereas the cause had been decided at
 "Rome by *wise* BISHOPS; to which they answered
 "without yielding, that the cause was *not fully*
 "*heard*: but that A FEW BISHOPS HAD SHUT THEM-
 "SELVES UP IN PRIVATE, AND HAD JUDGED AC-
 "CORDING TO THEIR OWN CONVENIENCE." *

See you, that *there is nothing new under the sun*?
Columbanus is not the inventor of the charge against
exclusive synods: he is not the first to call upon
liberal statesmen to hold out the *egis of protection*
 against arbitrary episcopal dictation, against *foribus*
clausis decrees. The Donatists also, those sticklers
 for pure discipline, while they could forgive every
 breach of discipline in their own sect; who nicknamed
 catholic bishops *persecutors*, while they stirred up

2 A

massacre

* Speraveram quod omnibus omnino seditionibus & contentionibus
 finis debitus fuisset impositus: sed cum dicationis tuæ scripta legissent
 evidenter agnovi, quod neque respectum salutis suæ, neque, quod est
 majus, Dei omnipotentis venerationem ante oculos suos velint ponere;
 siquid in ea agere perarant, quæ non modo ad ipsorum dedecus infam-
 amque pertineant, sed etiam iis hominibus dent facultatem, qui
 longe, &c. Nam id quoque scire te convenit quod ex iisdem venerunt
 adherentes quod minus dignis, &c. Id contra id quod iisdem respon-
 deram, frustra eos id jactare, cum res fassent apud urbem Romam
 ab *idoneis* episcopis terminata, pertinaciter respondendum aestimaverunt,
 quod omnis causa non fuisset audita; sed *pauci quidam episcopi quodam*
loco se clausissent, et prout ipsis aptum fuerat, judicassent. Const. Imp.
 ad Ablavium. V. A.

massacre against christians; who abominated *traitors* to the faith, while they herded with the *Ari* banditti of drowners of bishops, and quarterers young females. Those Circumcellions also could profess their suspicions of *private episcopal meetings*, when the result of such meetings chanced to be unfavourable to their complaint. Unluckily for the age, no *inquisition* existed, to which they might apply for a parallel. Enough of the council of Arles.

With regard to *Patriarchs*; to begin from the church of Rome, we are informed by *Columbanus*, that “as *patriarch*, the pope’s jurisdiction *did not interfere*” “with that of the *patriarchs* of *Milan* or of *Aquile*” “so that they who have *dubbed* him patriarch of “the western world, are quite ignorant of ecclesiastical history.”* There is a *naivetè* in this joke, turn, that much more than atones for its neighbourhood to coarseness. I doubt whether any mortal man accustomed to speak the *English tongue*, have saluted the pope or talked about him as patriarch of *all the western world*. That he has been considered, that he has been stiled the *patriarch of the west*, that is to say the *only patriarch residing in the west*,† in the ninth century; that three hundred years previous,‡ he was considered as the first of the *five patriarchs*, four of whom are in the *east*; that in the council of Chalcedon, the title of the *patriarch* was given by the fathers

* Columban. Lett. 3. p. 111.

† *Ἰσὸν τῶν ὁσίων πατριάρχων*. Theodor. Studit.

‡ Namely, in the time of Justinian the first.

fathers to Pope Leo* (as it was given to him by the imperial letters relating to that council,†); and that, before the era of this council, the title is not to be met with, (unless we admit for genuine the interpolated acts of Saint Clement I. ‡) as applied to christian bishops, we had already known.

At

* Hard. II. 237. In reading over the acts of the *Latrocinium* at Ephesus, when the secretary came to the following passage, "Dioscorus said: We therefore, in confirmation of the synodical acts of our fathers, pronounce Flavian and Eusebius deposed ... Flavian said, I appeal from thee: Hilarus deacon of the Roman church said," (in Latin) "*καὶ ἐπὶ δίκην*" i. e. "the appeal is cast." "The orientals at Chalcedon, cried out by acclamation to the words *εὐσεβέως*, anathema to Dioscorus...Holy Lord, now vindicate thyself" (i. e. Leo, whose supremacy had been slighted). Many years to Leo! many years to the patriarch. ἄγες κύριε ἐν σούτων ἀδικούντων ἀσπίδος πολλά ἔα αὐτῷ· τοῦ Πατριάρχου πολλά ἔα αὐτῷ.

† Ibid. p. 39. Litt. Theodos. Imp. ad Placidiam. Also in Litt. Marcian. ad Archimandrit. p. 672, and in the petition of Theodorus to Leo and to the council against Dioscorus (p. 322); of Ischyriou (325), of Athanasius to the same (331); of Siphronius to the same (332). In the latter of these petitions to the pope and council, the title of *universal* is equally applied to the patriarch and to the *syned*; and it is to be remarked, that Saint Cyril, the great predecessor of Dioscorus, is merely stiled archbishop (which was equivalent to primate) by the petitioning clergy of Alexandria, and by Athanasius who was his nephew.

‡ Inter. P. P. Apost. Cotelerii. Le Clerc's edit. I. p. 804. In the Acts, David is called by Saint Peter ὁ Πατριάρχης; which term could have signified nothing else than *chief* or *founder*, with relation to all such persons of the other tribes, besides that of Juda, as acknowledged the supremacy in Sion.

At the same time it is manifest, that the term *patriarch* when given to Leo by the fathers of Chalcedon, was meant to convey a singular and solitary pre-eminence that it was neither more nor less in signification, than *the chief of the catholic church*, and bore no immediate nor indeed any relation to *special* episcopal, or metropolitan, or primatial authority. It added nothing to the right of the pastor of all christians, nor did it even mean to add a title to the jurisdiction. The title was not accepted by Leo or his successors, although the bishops of Constantinople, in order to give colour to their usurpations by the medium of this epithet, seized on it without delay, and with shame.

When the bishops at Chalcedon entitled Leo *patriarch*, and called on him, as such, to vindicate his own superiority, slighted by Dioscorus, it is clear that they attributed to him, as *the patriarch*, some power and some pre-eminence above that of *Dioscorus*. But, in that acceptance of *patriarch*, on which *Columbanus* argues, Dioscorus was a *patriarch* as much as the bishop of Rome; so that those bishops, if they understood by the term, what *Columbanus* does, would have been guilty of outrageous nonsense in passing the compliment.

If then we, who are *entirely ignorant of ecclesiastical history*, should be asked how the pope came even to be *dubbed a patriarch*; we answer, it was by the fathers of Chalcedon; and that so *ignorant were they of ecclesiastical history*, as to have *dubbed him* a mere

merely patriarch of *the entire western world*, but of *the entire christian world*, and nothing more.

Columbanus must not resent our pointing to some circumstances of this synod; which, even to the *ignorant of ecclesiastical history*; even to the *fanatical and separatist* opposers of the *enlightened Veto*, of the *enlightened* politicians, and of the *enlightened* antiquarians; in short, of all the galaxy of illumination, will demonstrate the emphatical meaning of the fathers in the council, when they called on Leo as *the patriarch* to avenge himself by sentencing Dioscorus, who had superseded an appeal to *the patriarch*. *Columbanus* shall have a *gloss*, as ancient as the text, that is to say, of the fifth century.

First.—"To Theodosius, the victorious and perpetual sovereign, his father, Valentinian the emperor. On the day after my arrival in Rome, to do homage to the Deity, when I advanced to the shrine of Peter the apostle, after the sacred vigil of his anniversary, I was requested at once by the bishop of Rome, and by others, whom he had convened from different provinces, to write to you concerning the faith, which is said to have been disturbed. This faith we have received from the tradition of our ancestors, and are bound to vindicate with due devotion; as well as to maintain in our age against violation, for the blessed Peter the dignity of his reverence; so that HIS HOLINESS THE BISHOP OF ROME TO WHOM THE ORIGINAL TIMES (of christianity) YIELDED THE PRIESTLY POWER
" OVER

“ OVER ALL, may have scope and facility to JUDGE
 “ OF THE FAITH AND OF BISHOPS, *by virtue whereof*
 “ *the bishop of Constantinople, according to the usage*
 “ *of synods, appealed to him in due form, and*
 “ *writing.**”

Second.—From the letter of Placidia the empress to the same Theodosius. “ It being our care, as soon
 “ as we entered this elder city, to pay our devotions
 “ to Peter the blessed apostle, at the worshipful altar
 “ of the *Martyrium*; Leo the bishop, intermitting
 “ prayers, bewailed to us the condition of catholic
 “ faith, and attested us by the chief of the apostles,
 “ from whose presence we had come back. He was
 “ thickly escorted by a multitude of bishops, whom
 “ by the *commanding power and prerogative of his*
 “ *see he had congregated from the innumerable cities*
 “ *of Italy.*†” ... “The great mischief of the trans-
 “ action ”

* Labb. IV. 52. Τῷ δισσώῃ Θεοδοσίῳ κ. ἱ. λ. Νικητῆς Οὐαλερίανῳ.
 κ. ἱ. λ. παραγγελλομένη μὴ ἐν ἡ πόλει Ῥώμῃ ἐξιμμενίσασθαι τὸ Θεῖον, τῇ
 ὁσίῳσι ἡμέρᾳ ἐν τῷ ευκλήριῳ τοῦ ἀποστόλου Πέτρου προσελθόν, κακίστη μέλῃ ἡν
 σὺδασμαιν νυκτὶ τῆς ἡμέρας ἡν ἀποστόλου, ὑπο ἡν ἡ Ῥώμης ἐπισκοπῇ ὑπο
 ἡ ἑστῶν αὐτῷ ἅμα ἐκ διαφορῶν παρχίων συνηγμένων ἡξιωθῇ γραφῆαι περὶ
 τῆς πίστεως. κ. ἱ. λ. ἡν οφειλομένη μέλῃ τῆς προσσηκῆς καθοσιώσεως ἐκ-
 δωκεν καὶ ἡς ἰδίας εὐλαβείας τὴν ἀξίαν ἡν μακαρίῳ ἀποστόλῳ Πέτρῳ ἀρτίῳ
 καὶ ἐν τοῖς ἡμέτεροις χρόνοις φυλάττειν ἵνα ὁ μακαριώτατος ἐπισκοπὸς τῆς
 Ῥωμαίων πόλεως ΩΙ ΤΗΝ ΙΕΡΩΣΤΥΝΗΝ ΚΑΤΑ ΠΑΝΤΩΝ Η ΑΡΧΑΙΟΤΗΣ
 ΠΑΡΕΙΣΧΕ χάραν καὶ ευπρίαν εἶχῃ περὶ τῆς πίστεως καὶ ἱερῶν κρείσσον—
 ἴδων γὰρ χάριν κατὰ ἡν εὖος τῶν Ἰουδαίων καὶ ὁ ἡς Κῦπριῳ ἐπισκοπὸς
 αὐτῶν ἐπιταλασεῖο δια λιβέλλῳ.

† Labb. II. 53. ὁππῶτα ἐν αὐτῇ τῇ εἰσοδῇ τῆς ἀρχαίας πόλεως κ. τ. λ.

ὁ ευ-

“action” (at Ephesus) “is, that the rule of catholic religion which had been preserved since the time of our ancestor Constantine, the first christian sovereign, should be disturbed by the assumption of one fellow,* who is said to have assailed Flavian the bishop, by the introduction of soldiery, on account of his directing his appeal in writing to the *apostolical throne and to the bishops in these regions.*”† “May your majesty command the truth of catholic religion to be preserved, so that according to the *decision and definition of the apostolical chair, which we always worship as the leading chief,*‡ the cause of Flavian may be translated to the *council of the holy see, in which he, who first was so exalted as to receive the keys of heaven, appavelled and ordained the episcopacy*” (governing power) “*of supreme priesthood.*”‡

It

ὁ εὐλαβέστατος ἐπισκοπὸς ἔστω ὀλίγον ἐπισχὼν ἑαυτοῖς ἀπὸ τῆς ἐνυχὸς, ἵνα καὶ καθολικὴς πίστεως πρὸς ἡμῶς ἀπεθῆται, αἰὼν τε ὁμοίως ἴσιν κορυφῶσιν τῶν ἀποστόλων, ὧ καὶ παρχῆς προσπειμὲν μαρίνῃ συλλαβομένης, περιεπαχυσμένης τε ΠΑΝΘΕΙ ΕΠΙΣΚΟΠΩΝ ὡς ἵνα ἀπὸ ἀναριθμητῶν πόλεων ἐν τῇ Ἰταλίᾳ συσχεγῶν ΤΠΟ ΤΗΣ ΑΡΧΗΣ ΤΟΥ ΙΔΙΟΥ ΤΟΠΟΥ ΚΑΙ ΤΗΣ ΑΣΙΑΣ κ.τ.λ.

* Ibid. Οὐ μικρὰ γὰρ ἐκ τῶν γεγεννημένων ζημία τῶν ἰουδαίων χρονοὶς φυλαχθεῖσαν ἡ καθολικὴ καὶ πρὸς ἡμῶς...παρχῆς τελευτᾶσθαι πρὸς ὑπολήψιν ἑῶς ἀνθρώπων κ.τ.λ.

† Διὰ τὸ ΔΙΒΕΛΛΟΝ γέλοις πρὸς ἀποστολικὸν θρόνον κ.τ.λ.

‡ Ibid. ἵνα κατὰ τοῦτο καὶ ἴσιν τῇ ἀποστολικῇ θρόνῳ ὃν καὶ ἡμεῖς ὡς ΠΡΟΗΓΟΥΜΕΝΟΝ ἀποκαταστήσωμεν...ἐν τῇ συνόδῳ τῇ ἀποστολικῇ
θ.π.ω

It was in separate answers to these two letters, Theodosius twice entitled Leo, *the patriarch*, alluding (for he could not have slighted the argument used by the two empresses) to the singular and superlative possession of sacerdotal authority, which Dioscorus had set aside with military outrage.

Let us see how Marcian addresses Leo: for, Marcian also, after the council, termed Leo the *patriarch*, as already mentioned.

“The emperor Marcian, to Leo of Rome. We
“have arrived at the imperial station, by the grace
“of *God*, and by the choice of the senate and armies;
“whence, in honour to the catholic religion of christians, we have thought it just amongst the first employments of our accession, to address your holiness by our imperial letter as the *bishop*” (governor) and ruler of our divine religion.” *

Fourth.

ἔχον ἡ δίκη παρα παμφθαι εν ὡ πρῶτος αἰνός ὁ ἴας ὑπὸ κλεις αξιωθεις
ἰποδιξασθαι ἰον ΕΠΙΣΚΟΠΗΝ ΤΗΣ ΑΡΧΙΕΡΩΣΤΥΝΗΣ εκοσμοσε δελαδα
Comparing the text of this letter with that from the same empress (ibid. 56.) to Pulcheria Augusta, which appears in the original Latin, and is perfectly elegant, the phrase above quoted, *ἐπισχον ἑαυτον* *απο της αρχης*, although I have rendered it as it stands in the Greek and in the old translation, is faulty. It should be read, *ἐπισχον ἑαυτον* *απὸ της ΑΥΤΗΣ* not *αρχης*, as in that last mentioned to Pulcheria; *vicit tamen constantia sapientis sacerdotis, ut lachrymas paululum retineret, et causam violata fidei, tanquam hujus vident, manifesto sermone proferret.* Here also we have the first idea of

* Ibid. 62. Οθεν ὑπὸς ἴας ευλαβως και καθολικης θρησκειας τυς πιστας

Fourth.—In the signatures to the definition of Chalcedon, the papal legate *Paschasinus* styles himself representative of Leo of Rome, BISHOP OF THE UNIVERSAL CHURCH: Lucentius another legate subscribes, as delegate for Leo of Rome BISHOP OF EACH AND EVERY CHURCH: Bonifacius the presbyter and third legate, signs as the first.*

Fifth.—In the letter by the fathers of the council to Leo, the pope is recognized expressly to be the head of their body, (then assembled to the number of five hundred and twenty) and the guide and chief: † to be that very one to whom *the Saviour entrusted the care of his vineyard*, whom Dioscorus notwithstanding in the extreme phrenzy of wickedness, had dared to excommunicate, ‡ to be their common father: § and they avow, that if he will grant privileges to the see of Constantinople, he could grant them, from the

2 B

abundance

των Χριστιανῶν... τῶν τε σὺν ἀγιωσύνῃ ΕΠΙΣΚΟΠΕΟΥΣΑΝ ΚΑΙ ΑΡΧΟΥΣΑΝ
ΤΗΣ ΘΕΙΑΣ ΠΙΣΤΕΩΣ ἱεροῖς γράμμασιν ἐν πρώτοις δικαίῳ ἡγορούμεθα
πρὸς αὐτὴν.

* Labb. IV. 580 581. Πασχάσιος ἐπισκοπὸς ἐπὶ τῶν τοῦ ἱεροῦ
ἀποστόλου καὶ ἀποστόλου τῆς οὐνιαντικῆς ἐκκλησίας
ἐκαστοῦ πόλεως Ρώμης Διοῦλος ὑπεγράφη. Λουκένσιος ἐπὶ τῶν κ. τ. λ.
ἐκαστοῦ πόλεως ἐκκλησίας ἐκαστοῦ πόλεως Ρώμης Διοῦλος ὑπεγράφη.

† Ibid. 833 ὡς σὺ μὲν ὡς κεφαλὴ μίλων ἡγορούμεν.

‡ Ibid. 835. καὶ πρὸς τοῖς ἀποστόλοις εἰ δὲ κατ' ΑΥΤΟΤ ἡς ἀμπίλ
ἐν φιλανθ' ἱ. ἀμπίλτος) ΠΑΡΑ ΤΟΤ ΣΩΤΗΡΟΣ ἐπιτίμησιν
λαγοῦν δὲ τῆς σὺν ἰσοτήλως, τὴν ματιαν ἐξίστην καὶ ἀποινωθῆσιν. κ. τ. λ.

§ Ibid. p. 838. from C to K.

abundance of his generosity and out of that *which his own*.*

Now considering that Dioscorus in the *Latrocinia* of Ephesus had not only pronounced an unjust judgment, but had usurped the authority of judging, by virtue of an imperial rescript, and had made such usurpation available, by the introduction of soldiers and prize-fighters; considering that the supreme dignity of the apostolical see had been violated by such proceedings, and that in order to establish the iniquity of the sentence against Flavian *even in the form*, it was necessary to vindicate the supremacy of Saint Peter's chair, to which Flavian had appealed: recollecting that in the imperial letters this supremacy is thrice inculcated; for this purpose is thrice claimed by the papal legates, in their signatures, is insisted on for the end, at the very opening of the council, † and in the legate's sentence on Dioscorus; and is recognized as a point of fundamental christianity by the fathers if we combine all these circumstances with the occasion on which the title of *patriarch* was given to Leo by the *orientals*, that is to say, by those who adhered

to

* Ibid. περιησμεναι ως της αποστολικής, π. σ. λ.

† Labb. IV. 94, 95. "Paschasinus said, we have the precept of Leo the bishop of Rome, who is the head of all the churches, that Dioscorus shall not sit in the council, and if he should attempt to sit, that he be expelled. Let him stand a trial for the judgment he gave. He usurped the character of a judge, and presumed to hold a council without the commission of the apostolical see which never was done; which never is it lawful to do." See also the judgment for Theodoret. Act. VIII.

to Flavian's memory and appeal; it would betray, great contempt of the reader's understanding, if I should argue more at length, that the title of *patriarch* meant, at the time it was bestowed, nothing different from *head of the christian body*, of its bishops and of its people, in all causes of religion. In short, *Leo* was the *patriarch* for all who saluted him by this name; for *Maximus of Antioch*, who was also a *patriarch* in the later acceptation of the title; for *Anatolius of Constantinople*, whose successors, from a grant of ordaining certain metropolitans, made in this council, assumed the style of *universal patriarch*; for *Dioscorus*, whom, before the synod, *Leo* had disqualified to sit as judge: and yet *Alexandria* was then the second of those sees, afterwards stiled *patriarchal*, to denote their superiority of privileges.

So much for the original signification of the title, when it was first addressed exclusively to a bishop of *Rome*. As it then was meant to express the headship ecclesiastical, so it was after employed to denote the five principal sees, *Rome*, *Alexandria*, *Theopolis* or *Antioch*, *Jerusalem* and *Constantinople*. Of these sees the three former had been recognized as holding a peculiar jurisdiction, by the *Nicene council* in the seventh canon, of which I shall treat shortly. *Jerusalem* also (a name revived in *Elia* after the building of the *Anastasis*) had been established by the fathers of *Nicea*, in a mere honorary precedence, of which, however the rank cannot be ascertained from the words of that seventh canon. The council of *Chalcedon*

don ratified a compromise between Jerusalem and Antioch, whereby the former city came to hold what in after times were called in the east *patriarchal rights*. As for Constantinople, it had been the suffragan of Heraclea, until raised into ecclesiastical consequence by Saint John Chrysostom. This great man, perhaps from the necessity of the times, perhaps from the authority of the see of Antioch, perhaps from combining with that importance which he derived from his transcendent virtues and eloquence, and station in the imperial city, though a suffragan bishop without any canonical authority save that of the synod of Nectarius, deposed fifteen bishops, and ordained a bishop in Ephesus. Theophilus of Alexandria alarmed at this increasing power, was easily prevailed on to hold a synod in Constantinople, (which was beyond his primatial jurisdiction,) and in that synod to summon Chrysostom and to depose him, though protesting against the competency of his judgment. John appealed to Rome, but died in exile before the appeal could serve him. Pope Innocent I. however after examining the cause of John, interdicted the bishops of Antioch, Alexandria, and Constantinople from his communion.

The cruelty of Theophilus towards the incomparable John Chrysostom had the effect of lowering the importance of the *first* see in the east, which had endured in great reverence, notwithstanding the Arian innovations, from the times of Dionysius and of Peter of Samosata. Nestorius, when impeached by Sa-

Cyril of great blasphemy, retorted, that Cyril was desirous of acting once more the tragedy of Theophilus against John. Pope Celestine at length appointed Cyril his vicar in the council of Ephesus, and the bishop of Constantinople was deposed. From the authority thus regained to Egypt, Dioscorus presumed to hold a second *council of Ephesus*, emboldened by an imperial missive, procured through the influence of Chrysaphius the eunuch, for whom Eutyches had stood sponsor in baptism. In the fourth council of Chalcedon therefore the chieftaincy of Saint Peter was at issue with all episcopal pretensions, as well as with all secular authority. This was really the *cardo causæ*; the *disturbance* of the immemorial *faith*, as Valentinian, Placidia, and Marcian term the original and immutable law of ecclesiastical œconomy.

In this council of Chalcedon I have already shewn that no bishop of the other chief sees was complimented by the fathers with the title of patriarch. When Ibas, metropolitan of Edessa, was questioned, whether he did not formerly consider Cyril as excommunicated, he answered; “I then adhered to my “*primate*” (*exarch*) “I said, unless he explained himself, and unless the oriental college of bishops received him, that I with my primate and the oriental “college would disown him.”* The *primate* or *exarch* of

* Act. X. ἐξηκολούθησα ἡμῶν ἐξάρχῳ μὲν οὕτως ὅτι οἱ μὴ αὐτὸς ἰαυτὸς ἡμῶν, καὶ διέταξε αὐτὸς ἡ ἀναθολικὴ ἐκκλησία πρὸς τὸν μὲν ἡμῶν ἐξάρχῳ μὲν καὶ τῆς ἀναθολικῆς ἐκκλησίας ἀποστήσαντι αὐτὸν.

of Ibas was the bishop of Antioch, and consequently was one of those to whom the stile of *patriarch* would have belonged, if then merely significant of what it afterwards imported. The same title of *exarch* had been used in the council of Ephesus by Philip the presbyter and legate of Celestine, but in a meaning somewhat different. "It is undoubted," says he, when about to deliver judgment on Nestorius, "it is manifest from age to age, that PETER the "EXARCH" (chief) "and head of the apostles, the pillar of faith, was entrusted by our Redeemer with the keys of his kingdom, and that to him has been imparted the authority of binding and loosing: and he, to this day, and for ever, lives and judges in his successors."* This *exarchate* of Peter is exactly that dignity first named *patriarchal* at Chalcedon. The latter title, I grant, became afterwards common to the four eastern sees; I grant, that during the long disunion of Constantinople from Rome, that is to say, from Acacius to Epiphanius, it was given to the bishops of the imperial city, who had entirely subdued the independence of the sees of Alexandria and of Egypt. It appears to have been given to John,† and to Epiphanius, his successor, by some orientals, and when first assumed could have meant nothing less than the

* Act. III. Concil. Ephes. Οὐδενὶ ἀμφιβολοῦν ἐστὶν μαλλοῦν διὰ πάσης ἡμέρας
κινεῖται ἐγνώσθαι, ὅτι ὁ ἅγιος καὶ μακαριώτατος Πέτρος ὁ ἐξάρχης καὶ κεφαλὴ
τῶν ἀποστόλων, ὁ κενὸς τῆς πίστεως κ. τ. λ. ὅστις ἰσχύει καὶ αὐτὸν καὶ τοὺς
ἐν αὐτῷ διαδόχους καὶ ἄρχεις καὶ κληρικούς

† Concil. C. P. sub Menne, Act. V.

the pretension to supremacy in the church. Pope Hormisda notwithstanding restored communion to Epiphanius professing his return to the faith of Rome, and appointed him his vicar apostolical in the east. Thus the title of *patriarch* came, in the west, to mean a principal bishop placed over metropolitans, as in the second council of Mascon, the bishop of Lyons is so named. In the east it was confined to the five sees, recognized by Justinian the emperor, as the pre-eminent chairs in the world, Rome being their chief: in which signification Gregory I. * writes, that he had sent his profession of faith to his brothers the *patriarchs*. After this extension of the title the see of Rome remained still, in the sense of the council of Chalcedon, the *patriarch* of all bishops, and the bishop of all *patriarchs*.

It is evident, from what has been stated, that in the original use of the word *patriarch*, no *local* jurisdiction was referred to; and that from the subsequent use or abuse of it, no bounds of *special* jurisdiction can be ascertained. It is not less manifest, that as the see of Elia from the mere honorary precedence it had obtained at Nicen, grew up into such importance as to gain by compromise from Antioch some metropolitan sees; as that of Constantinople, by the mean of an honorary rank, said to have been granted by the second general council, rose to such importance as we have seen: so, the church of Rome, even supposing that it had not been the governing and truly *patriarchal*

* *Epist.* Lib. I. 25.

archal church, as we have proved; though it had not been *especially the head of the western churches*, as I am going to demonstrate; yet might lawfully and canonically have grown up into those privileges, which *Columbanus* will not vouchsafe to grant to the pope.

But who are those *most ignorant men* who have *dubbed* the pope the patriarch of the west, of the *entire west*? One of these men was *Sirmond*,* whom the protestant GROTIUS as well as the catholic Valesius considered as the glory of his age: another of those men is THOMASSIN, whom *Columbanus* has recommended† as one of the *most learned authors* on the catholic hierarchy and on the *rights of the different orders of clergy*. The former of these, in his refutation of Saumaise and Gothofred, had overturned the several arguments from Rufinus and the *Notitia*, which *Columbanus* gives anew, as *irrefragable*. He proved, that even the *oriental* churches considered the bishop of Rome as the patriarch of the western churches. The question then in dispute was not, whether the *patriarch of the west* would have had thereby a right to confirm all his subordinate bishops. Even Saumaise was not so eccentrically litigious, as to argue from the resources of etymology against the public and established church laws or usages of the west in his own day. The object of Saumaise was to shew, that, in *the fourth century*, the jurisdiction of the pope was confined

* De Eccles. Suburbic. In Censura et Propempticia. Tom. V. Edit. Venet.

† Columb. Lett. 1. p. 127.

confined to a part of Italy. In the attempt to prove this, he failed. Thomassin, that other ignorant man, not only asserts the *patriarchate of the west* to the bishop of Rome, but is *foolish enough* to imagine, that the immense extent of this *patriarchate of the west* appears the *true reason*, why the bishops of Rome did not keep in their hands the ordaining of bishops, *beyond Italy and the islands adjacent*; whereas the bishops of Egypt and Alexandria continued to ordain all their subordinate bishops. For “these two sees” writes he, “presided each over but one *diocese*.” (*i. e.* collection of metropolitans.) “The bishop of Rome “was the governor of very many *dioceses*; whence it “was even impossible that during the times of persecution, the prelate of Rome should ordain bishops “for *Africa*, for the *Spanish* and *Galic provinces*, and “for the *dioceses* still more remote.” *

The name of *patriarch* being therefore an invention of the fifth century, but modelled since that age, so as to signify a certain highest jurisdiction, yet less than that of the popedom; if *Columbanus* denies to the pope this local jurisdiction, he will in kindness to the ignorant, explain away the passages and facts I am about to mention.

First,—In what other sense did Basil the great call

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* Thomassin Vet. et Nov. Discipl. p. 1. Lib. 1. ch. 8.

† XIV. Unum addam occasione *Diocesum complurium* quas uni patriarchæ Romano paruisse diximus: non abludere a vero id causæ fuisse quamobrem episcoporum ordinationes non retinuerint sibi Romani pontifices, nisi in Italia et circumpositis Insulis, quas sub-ordinarias provincias vocat Rufinus, &c.

the bishop of Rome the *prime leader of the western bishops*? *

Secondly,—In what other sense did Saint Augustine deem Innocent I. to be the *governing prelate of the west*? †

Thirdly,—In what meaning did Saint Jerome profess to know of no *churches*, but the three, of Egypt, Antioch, and Rome? ‡

Fourth,—In what other meaning did Saint Cyprian at the council of Ephesus, as soon as the letter of Pope Celestine was read, pretend to say, that it contained the judgment of all *the west*, and go so far as to have this assertion written to the emperors in the name of the council? §

Fifth,—In what other meaning did Hilarius the deacon (who was also the successor of Leo the great) write to the empress Pulcheria, that the *said pope with all his western council*, reprobated the proceedings of the Ephesian *latrocinium*? ||

Sixth,—When Pope Vigilius declared to the bishops deputed to invite him to the second council of Constantinople, that the *eastern bishops* were great numbers, and those along with him were few, in what meaning did those deputies reply, that in the

* *ἡν ὁ βῆλων ἀρχιεπίσκοπος*. Basil. Epist. 239. edit. Maur. 1730 T.

† Contra Julian. Lib. I. cap. 4.

‡ Contra Vigilant. tom. 2. p. 389. edit. Vallars.

§ Labb. III. p. 629.

|| Ibid. IV. p. 57. *Vestra igitur veneranda Clementia cognoscimus prefato Papa cum omni occidentali concilio reprobari omnia, &c.*

four general councils there had been no great number of *bishops from the west*; that on this occasion there were bishops from *Italy*, from *Africa*, and from *Illyricum*?*

Seventh,—In what other meaning did Pope Agatho write to the emperor Constantine, as president of the bishops of the west: “Agatho with all *the episcopal colleges appertaining to the council of the only see of Rome*?”† Why does the synodical letter declare, that the members of their body are in *Salernia, Lombardy, France, Spain, and Britain*? Why do they inform the emperor that they have sent those ambassadors to state to him “*their common principles of faith, that is to say, the principles of all the bishops in the northern and western parts of the world*”?‡ How ignorant was this synod of all ecclesiastical history! What is worse than ignorance, the patriarch of Aquileia, “*with whose jurisdiction*” (patriarchal no doubt) “*the bishop of Rome could not interfere*,” is one of the subscribing bishops to the

* Concil. C. P. II. Collat. 2. Labb. V. 430, and p. 433. Primasius the African bishop refuses to attend, unless the pope will be present. *Papa non presente, non venio.*

† Labbe, VI. 677. *οτι πασαι ταις αρχιευσαις η συνodus ου αποσταλειται.*

‡ Ibid. 686. *και μαλιστα ισχυει εν μαση των ιθων των τι σκληρων και λογιζομεν, ημεις αλλα και φραγαν Γοτθων και ζριττανων πλοιου εν των συνδωλων ημων αιται γνωριζονται.* ibid. p. 687. *τα δε προσωπα, κ. τ. λ. φιλοτα προσαγαγον των αναφορας ΠΑΝΤΩΝ ΗΜΩΝ, ουτως, δπως των ΚΑΤΑ ΤΑ ΔΡΕΤΩΙΑ ΚΑΙ ΔΥΤΙΚΑ ΚΑΙΜΑΤΑ ΕΠΙΣΚΟΠΩΝ.*

the declaration, that the *bishops* of the *west* *appeared* to the *local council* of the pope. The *patriarch of Milan* also, another of these patriarchs in the *west*, guilty of the same blunder. * In short the *bishops* of the *west*, in the *seventh century* appear to have laboured under the same *ecclesiastical blindness* as Hilary the deacon, in the *fifth*, when he mentioned the *council of Leo*, or as Valentinian the emperor, he *mistook* the *western council* mentioned by the *first* at Ephesus, for the council of Pope Celestine.

Perhaps now, if we should travel back to the *beginning* of the fourth century, we shall find, in the *year* 314, this *local jurisdiction* of the bishop of Rome acknowledged, and distinguished not only from primacy over all bishops, as head and governor of the body, but also from the primacy in Italy, of which we will treat hereafter. In the first council of which we were present Merocles of Milan and Theodor of Aquileia: *Patriarchs* these were, according to *Cassiodorus*. Besides these, there were bishops from London and York, from the Gauls and from Africa. There were deputies from Spain. From Rome two presbyters and two deacons, commissioned by Pope Sylvester. The council then addressed the bishop of Rome informing him, that, owing to his absence, a less severe judgment had been given against the schismatics: that, however, it was not possible for Sylvester to quit Rome, where the *apostles* were

* Ibid. 700. Mansuetus of Milan. 704. Agatho of Aquileia. Wilfrid of York.

ing judgment every day: * that they had decreed certain rules to be observed in their several provinces, namely the provinces from which they had assembled: † they send to him the copy of their decrees, resolving, that Sylvester should intimate them *to all, as he held the most extensive dioceses.*‡ In that age a *diocese* meant unquestionably a district, containing several provinces, subordinate to one governor.§ In ecclesiastical stile, it signified the department of a primate to whom metropolitans were obedient. Where shall we find those *primacies* in the *metropolitica* jurisdiction of the bishop of Rome? Neither are they to be found in Italy alone. They included the Gauls at least, and the most distant tracts of Spain, as we shall see. These bishops also from Britain concur in desiring, that the bishop of Rome should intimate the decrees even to their churches. It seems then, that as far as Britain, the correspondence and communication with Rome was kept up. This, however, it may be said, does not prove a jurisdiction throughout the *west*. I answer, that it proves jurisdiction, as far as it acknowledges in the bishop of Rome

* Sed quoniam a partibus illis recedere minime potuisti, in quibus apostoli quotidie sedent.

† Sed et consulendum nobisipsis censuimus, et cum diversæ sint provincie ex quibus advenimus, ita et varia contingunt quæ nos censuimus observare debere.

‡ Placuit etiam per te potissimum qui majores dioceses teneas omnibus insinuari.

§ Concil. CP. 1. Can.

Rome the possession of most extensive dioceses. If those *dioceses* were commensurate with what now is called the *western patriarchate*, the pope, even then, possessed a *special jurisdiction* in all this department: if, on the contrary, the western division was more ample than those *dioceses*, the council of Arles *increased* his *local jurisdiction*, when it appointed him to intimate those rules, and consequently to superintend their observance; and this, whatever it was, the bishops of the council are expressly led to do, on account of his *general primacy*, which they had acknowledged, when justifying his absence; and accounting for their having deliberated, notwithstanding his absence, on points of regulation, not comprized in the imperial summons.*

Let us go forward. The first canon of Arles is this, "First of all decreed, concerning the observance of Easter, that it be kept at the same time and on the same day *by us*, throughout *the whole extent of our regions*, and that *you*" (Sylvester) "are to address your letters to all, according to usage."†

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* Sed quoniam recedere a partibus minime potuisti, in quibus et apostoli quotidie sedent, et cruor ipsorum sine intermissione Dei gloriam testatur; non tamen hæc sola Nobis visa sunt tractanda, frater carissime, ad quæ fueramus invitati.

† Primo loco de observatione Paschæ dominici ut uno die & uno tempore per omnem orbem a nobis observetur, et juxta consuetudinem ad omnes Literas tu dirigas. Hard 1. 263. It is unnecessary to remind the scholar, that *totus orbis* does not signify the entire world,

but

The council of Arles, by this canon, informs us of two points. First, that the *western* churches, whose prelates *only* were called to this council, thought themselves competent to legislate for all their territory. Secondly, that *this territory* was accustomed to receive immemorially the letters of the bishop of Rome, and to conform thereto, with regard to the celebration of Easter.

Let us pass now to the first council of Nicea. In this synod *Vitus* and *Vincentius*, presbyters and delegates from Rome, writes Photius, were present; with *whom was associated Hosius* of Corduba.* On the breaking up of the council, Hosius, Vitus, and Vincentius are the persons who intimate the decrees to the churches of *Rome, Spain, Italy, and to all the nations more remote as far as the ocean*.†

Afterwards, when Pope Julius summoned the Orientals to a general council, in order to review the sentence passed on Athanasius by the synod of Antioch, he was upbraided by the Arians with attempting to legislate *singly* for the eastern churches. Julius answered: “ Although I *alone* wrote, yet I

wrote

but a certain compass of regions, limited variously, (as the subject matter will tell,) by government, nationality, language, or practices.

* Ad Michael. *περι αἰσχυμ. συν. ὡς ἐ δ παρδύτης ὁσος συνιστάται.*

† Gelas. in Tom. Ch. 28. *τοὺς κατὰ Ρώμην καὶ Σπανίαν καὶ Ἰταλίαν ἔτασαν, καὶ ταῖς ἐν τοῖς λοιποῖς ἰθαὶ τοῖς ἰθαὶ κατεχόμεν (not κατ' αὐτὴν ὅτι as absurdly printed) ὡς τε Πάπῳ ἁγίῳ τε Θεῷ ἐκκλησίαις.*

“wrote not my solitary decision, but that of *all the bishops in Italy and in these regions*. But I *did not wish to make them all write*, lest they should be annoying from their number.”*

In the letter from the council of Sardica to Julius, although the supremacy of the see of Rome over all bishops, is openly professed,† yet the Pope is solely asked to have the canons promulged in Italy, Sicily, and Sardinia.‡ Here the Pope is considered as a *national primate*.

In

* ΑΛΛ' ΟΥΚ ΕΜΕ ΜΟΝΗ ΕΓΩ ΑΥΤΗ ἢ ΓΥΜΝΗ, ΑΛΛΗ ΚΑΙ ΠΑΝΤΩΝ ΙΕΡΩΝ ΚΑΙ ΤΗΣ ΙΤΑΛΙΑΝ ΚΑΙ ΤΩΝ ΕΝ ΤΑΙΣ ΤΟΙΣ ΜΕΡΙΣΙΝ ΕΠΙΣΚΟΠΩΝ' ΚΑΙ ΕΓΩΝ ΤΙΣ ΠΑΡΕΑΣ ΟΥΚ ΕΘΕΛΗΣΑ ΠΟΙΗΣΑΙ ΕΓΓΡΑΦΕΙΝΑ ΜΗ ΠΟΛΛΩΝ ΤΟ ΓΕΡΟΣ ΕΧΩΣΙ. In Labb. II. 502 and in Hard. I. 610, the last seven words preceding, are rendered by the former, *ne a multis onerarentur*, by Hardoin *ne a multis gravarentur*; in both the mistake is similar. The original Latin text, out of which the Greek translation was made at Rome, was probably couched in some such terms as these. Verum ego nolui facere ut singulæ ab omnibus *literæ* darentur, *ne a pluribus molestiam* inferrent. The translator having turned idiomatically *Literas dare* into *γραφειν*, the reference back, from a *pluribus* to *literæ*, was obscured in the Greek version. At the same time *εχωσι* appears erroneously substituted for *εγγραφωσι*.

† Hoc en' in optimum et valde congruentissimum esse videbitur, si ad Carut, id est *ad Petri Apostoli sedem, de singulis quibusque provinciis Domini referant Sacerdotes*.

‡ Tua autem excellens prudentia disponere debet, ut per tua scripta, qui in *Sicilia, qui in Sardinia, in Italia sunt Fratres, quæ cetera sunt, et quæ definita cognoscant*.

In the synod of Rome under Liberius, we find ~~this~~ pope addressing the Orientals, as *president of the bishops of the West*.*

These few matters of fact, I humbly think, are ~~such~~ as *Columbanus* should have explained away, before he charged with *ignorance* of all ecclesiastical ~~history~~ those, who have *dubbed* the bishop of Rome, *patriarch of the entire west*.

With the exception of Agatho, all the instances ~~lately~~ adduced, are prior to the introduction even of ~~the~~ word *patriarch* into ecclesiastical nomenclature. *Columbanus* should have taken notice of these instances, though it had been for the purpose of ridiculing them. The *few* mistakes he has slipped into, when pronouncing this interlocutory sentence, are very easily accounted for, on the score of an understanding pretty much confused, and of an excessive zeal against the ignorance of his neighbours. First, he avoids defining the term *patriarch*. This seasonable reserve may be owing to his antipathy for *scholastic distinctions*, and to his regard for *clear perspicuous discussion*. Still it holds this important advantage over the old *pedantic* and *technical* methods, so very justly condemned by him, that it supplies a controversial writer with the means of demonstrating a *patriarch* to signify every thing or nothing. The term itself may signify a prerogative, exercised and

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understood

* Αἰετὶς ἐπισκοπὸς Ἰταλίας καὶ ὁ κατὰ Δυσὺ ἐπισκοπῶν. See the letter throughout.

understood long prior to the age, in which it was first adopted: again, the term *patriarch* may have been introduced, in order to express an *original* prerogative, enhanced by additional extent of jurisdiction, or enlarged by an annexation of territory: the *term* may have been originally demonstrative of an *apostolical* authority, or of an *ecclesiastical* pre-eminence. It may have conveyed in one age, the *idea* of a greater or less portion of effective power, than in another age. Of course, the attempt to fix the *limits* of its inherent privilege, or of its nobility, in the Catholic church, by arguing from a few desultory instances, may perchance be sagacious enough, or, more than perchance, may be silly and idle gossiping.

I have already demonstrated, that the title of *patriarch*, when first addressed by churchmen to a bishop, was given to Leo of Rome, and that when so employed, it solely and exclusively indicated the recognition of his primacy over all the Catholic church, as the head of its priesthood, of its doctors, and of its judges in causes ecclesiastical. In *this* acceptance of the term, I hope it will not be thought unpolite to hint, that the remark of *Columbanus*, “that Pope Benedict XIV *himself* acknowledges, “that the pope’s powers as *bishop*, *metropolitan* and “*patriarch* are very distinct, and that *each* extends “no farther than the *ordinary* powers of other “*bishops*, *metropolitans*, and *patriarchs*, so as not “to clash *with each other* ;”^{*}—it will not be unmannerly,

^{*} Columb. Letter 3. p. 121, 122.

mannerly, I repeat it, to suggest, that this observation, even if it were reconcilable with *clear discussion*, and clear grammar, goes somewhat wide of the mark.

There is however a *distinction*, according to *Columbanus*, between the powers of the bishop of Rome, when acting as a *metropolitan*, and when acting as a *patriarch*. So far we have gained not very much indeed, but something. Let us try to extract from our *clear discussor*, in what the distinction lies. *Columbanus* goes on thus.

"The sixth canon of the council of Nice is too clear to admit of a controversy, and the words of *Rufinus*, a contemporary author, would suffice to remove all doubt, if any there were."* For the present, I beg you will observe, that *Rufinus* has placed beyond all doubt the distinction between the metropolitan and patriarchal rights of the bishop of Rome. Again to *Columbanus*.

"In point of fact, the *Metropolitan* jurisdiction of Rome extended no farther than the civil jurisdiction of the *Vicarius Urbicus*. The limits of this civil jurisdiction are defined by the *Notitia Imperii*, a work of the fifth century, and those limits might be circumscribed by a radius of 100 miles.† This is evident from the incontrovertible authority of *Rufinus* on the 6th canon of Nice."‡

Here again you must remark, that *Rufinus* will also make it evident, that the metropolitan jurisdiction

* *Columb. ibid.* † Same Letter, page 2.

‡ *Ibid. in the note.*

diction of Rome was *circumscribed by a radius* of 100 miles; if you should affect not to understand what it can be to *circumscribe by a radius*, I will take it to signify, that the *metropolitan* jurisdiction of Rome was bounded by a circle described with a radius of 100 miles. Therefore attend to *Rufinus* on the sixth canon: his words are these: "They also decree, &c
 " Canon vi., that as well at Alexandria, as in the
 " city of Rome, the ancient custom be adhered to:
 " so that as well the former have the care of Egypt
 " as the *latter that of the suburbicarian churches*."

Now, that you have the entire of the passage before you, let us grant *suburbicarian churches* - signify those placed within a circle of any *radius*. I implore your help for the right understanding this *incontrovertible* and *evident* authority, an authority so manifest, as to suffice for *removing all doubt*, any *there were*, concerning the meaning of the *sixth* canon of Nice, which canon is *too clear to admit of* controversy. The demonstration of *Columbanus* stands thus *mathematically*. The bishop of Rome, according to *Rufinus*, had or has the care of the *suburbicarian churches*: therefore it is *evident* from *Rufinus*, that the *metropolitan* and *patriarchal* powers were *distinct* in the pope. Truly, truly I see nothing of all this in *Rufinus*. I see no mention of *patriarchal*, or *metropolitan* rights. And how can I discover a contrast, where but *one* species of rights is expressed? But let us state the other piece of demonstration. "It
 " is *evident* from *Rufinus*, that the *metropolitan*
 jurisdiction

“jurisdiction of Rome extended no farther than the “civil jurisdiction of the *vicarius urbicus*.” Neither do I comprehend *this* discovery. Rufinus mentions indeed *suburbicarian* churches, but there he stops. *Saumaïse* inferred from the term *suburbicarian*, that Rufinus intended to denote the limits of the papal jurisdiction, by analogy to the sphere of the *vicarius urbicus*. How grossly *Saumaïse* was mistaken, we shall see presently. But, if in fact, the *suburbicarian* comprised the *metropolitan* jurisdiction of the bishop of Rome, where shall we find the *patriarchal*? Was *patriarchal* synonymous with *metropolitan*? *Saumaïse* indeed was of that opinion; and he relied upon those very words of *Rufinus*, as demonstrative of its truth. He was consistent at least; for whatever be the authority implied in *the care of the suburbicarian churches*, the authority is either general or special, but cannot signify both at once, and each distinguished from the other. On the other hand *Columbanus* maintains the office of *patriarch* and *archbishop* to be distinct: he informs us, that this distinction is *clearly evinced* from the words of *Rufinus*: the words are merely “to have the care of the *suburbicarian* churches.” To crown this accumulative nonsense, he finally declares, that the *suburbicarian* churches made up the *metropolitan* province of Rome!

In point of fact, however, the metropolitan jurisdiction of the *bishop* of Rome, as such, extended, in the age of *Rufinus*, not only to the southern extremities of Italy, but comprehended Sicily, Sardinia, and Corsica

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The *radius of 100 miles* will not reach to Cape Passaro; no, not half way. I would ask, whether this actual extent of jurisdiction was denoted by Rufinus, in the care of the *suburbicarian churches*. If it was not, Rufinus stands convicted of intolerable fraud: if it was meant by Rufinus, then, in the first place, the analogy attempted to be raised by Saumaise, and rashly urged by *Columbanus*, between the limits of the *episcopal* and *vicarial* jurisdiction of Rome, fails of all support from the term *suburbicarian*. But I have another question for *Columbanus* himself. Since, according to him, the *metropolitan* jurisdiction of Rome was bounded by a circle of one hundred miles distance, what sort of jurisdiction was that, exercised by bishops of Rome, in Sicily and the other islands adjacent? *Patriarchal*, he must answer; because he lays it down for certain, that between the powers of the Roman bishop as *metropolitan*, and as *primate* of the catholic church, there is but one intermediate degree, namely that of *patriarch*. Very well. However this was not the former *theory* of our author. “Barbarus “bishop of Benevento,” said he on a former occasion, “was visitor of the church of *Palermo*, in behalf of “S. Gregory, as *metropolitan* of *Sicily*.”* From this incoherence of talking I seek to derive no advantage. It is but a symptom of that, to which we all are liable; when, resolved to take a sudden plunge at authorship, we read what we cannot well understand,

* *Columb. Lett.* 1. p. 47.

stand, and write what we very properly forget as soon as written.

Of this fatality *Columbanus* is pleased to multiply the instances. "As *patriarch*," says he, "the pope's jurisdiction did not interfere with that" (namely, the *patriarchal* jurisdiction) "of the *patriarchs* of Milan and Aquileia."* Does *Columbanus* find in the incontrovertible authority of Rufinus, or in the "*Notitia Imperii*, a work of the *fifth* century," that the *sixth Nicene canon* either made or recognized the bishops of Aquileia or of Milan, as *patriarchs*? We, who have had no access to the best manuscripts, did simply imagine, that the title of *patriarch* was first assumed by the bishop of Aquileia, in the *sixth* century; and in *schism*, not only from the church of Rome, but from the catholic churches of the east: that this title was afterwards allowed by the popes, on the return of Aquileia to orthodox communion: that it was afterwards shared with the see of *Grado*; that the *patriarchal* title of *Grado* was translated by the pope to Venice, and that about seventy years ago the nominal *patriarchate* of Aquileia was *abolished* even by the bishop of Rome, Benedict XIV. This was a strong interference, and possibly, in the mind of *Columbanus*, was a daring usurpation on the incontrovertible authority of Rufinus; but how can we help it? I think, however, that it would not have been amiss in our opponent, to specify those *patriarchal* rights of Aquileia, with which the *patriarch* in Rome, as such, could

* *Columb. Lett.* 3. p. 111.

could not interfere. I am at a loss to discover them.

As to the *patriarch* of Milan, "with whose jurisdiction, as such, "the patriarch of Rome could not "interfere," we are left in the same deplorable gloom by our author, as to the nature and substance of this other *patriarchate*. The second oldest see in the Italic regions, was most probably that of Milan; and from the letter of Eusebius of Milan to Leo the great, we find that, in the middle of the fifth century, there were nineteen bishops suffragans to that metropolitan.* In the Arian persecution, it was parted, for a time, from the orthodox churches attached to Rome; it was reunited by Saint Ambrose, the champion of the prerogative of the Roman see over the bishops of all Italy and the Gauls, even during those two periods, when the right of Pope Damasus was contested, or his character was slandered.† Besides this second rank in precedence, I look in vain for any of those marks, which, either before or after the council of Chalcedon, were esteemed characteristic of a right superior to *metropolitans*. But there is a little fact, in the case overlooked by *Columbanus*. The bishop of Rome confirmed the election of the bishop, *alias* the *patriarch*

* In Eabb. Con. III. p. 1334.

† Namely, when opposed to the factions of Ursicinus, of the Læterian bishop, Gregory, and when falsely accused by his deacons Callistus and Concordius. See Letter I. of the council of Aquileia to the three Emperors. Eabb. II. 998, and of the council of Rome to Gratian and Valentinian. *ibid.* p. 1001.

arch of Milan. The bishop of Rome received the instrument of his election, and in due form decreed one candidate, if he approved of him, *to be ordained*, in consequence of a *peculiar privilege* from the sec of Rome, by the provincial bishops.* In short, the bishop of Rome held rights upon the metropolitan see of Milan, as this latter held prerogatives over his subordinate bishops. The *radius of one hundred miles* will not arrive *northward* to Milan from Rome; as in the opposite direction, towards Sicily, it fell short by more than two thirds of the distance. What becomes now of the *Milanese patriarchate*?

The next argument of *Columbanus* is truly formidable. "De Marca clearly shews, that the bishops of
 " the *transalpine* countries of Spain and Gaul ordained
 " their own metropolitans, without any *patriarchal*
 " interference, without any authority or consent of
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* Gregorius P. P. ad Mediolanenses concerning the election of
 a successor to Constantius, Lib. 8. Ep. 65. Omnino gratè suscrip-
 tum, quod Deusdedit diaconum vestrum ad Episcopatus officium vos
 unanimis elegisse, &c. Et si subtiliter requirentes, nihil est ei quod ex
 intacta vita, &c. divinitatis gratia suffragante, eum presentium
 scriptorum auctoritate solenniter decernimus ordinarì. So also concern-
 ing the election of Constantius ad Joannem subdiaconum. Eum a
 propriis episcopis, sicut antiquitatis mos exigit, solitante et auxiliante
 domino, facias consecrari: quatenus, hujusmodi servata consuetudine,
 et apostolica sedes proprium vigorem retineat, et a se concessa aliis jura
 non minuat. Lib. 2. Ep. 30. part 2. And in the next following, ad
 Roman. Exarch. Ital. Necesse fuit pro servanda consuetudine...dirigere
 qui eum...a suis episcopis, sicut vetus mos exigit, cum nostro tamen
 assensu faciat consecrari.

“ the bishop of Rome, and that this right is one
 “ the *fundamental articles* of the *liberties* of the G
 “ lican church.”

Whether de Marca has attested all this, I know not; nor would I lose an hour in ascertaining the truth of what *de Marca* has either *asserted* or *undertaken* to shew. I merely would express my wonder at the innocent credulity of him, who could believe all this. A *fundamental liberty* of the *Gallican church*, that *metropolitans* should be ordained without any patriarchal interference, and without *any consent* of the bishop of Rome! Did the *fundamental liberty* exist in France in the time of *de Marca*? I recollect that, even then there existed a *concordatum*, by which that *fundamental liberty* was negatived. But it will be said, that *concordatum* was an usurpation on the freedom of canonical elections. I grant that, if any guarantee could have been had for the canonical sincerity of elections. But I must remark, that what was then understood by *canonical election*, was equally an usurpation on the primitive liberty of choosing prelates. Let us take a step higher up than the *concordatum*, and come to the pragmatic sanction. Did the bishops of France, the divines of that country at Basle reclaim or re-assert upon this pretended *fundamental liberty*? It appears that they did not. It appears, that they did establish as a previous requisite to episcopal ordination, that the bishop of Rome should have been made acquainted with the election, and should have given his assent. Let us go up higher still. Did the court

of Constance, when it held the papal power in commission, or did the French divines in that council, or did Gerson, their spokesman, ever hint at this *fundamental* liberty? It appears not. The council, at a time when it was all powerful, never thought of abridging, nor did the Gallican divines think of opposing the established law of the western churches, which required the previous knowledge and solemn consent of the pope to the installation of bishops. Where has this *fundamental liberty* been hiding during the last six hundred years? Whereabouts does it contain itself now? Scarcely a year has elapsed since the most powerful man in the world, and the most inflexible in his designs, attempted to realize in practice, but under the plea of temporary necessity, that idea which Columbanus assures us exists in the *fundamental liberties* of the Gallican church. The now Gallican church, in all that regards the matters in controversy on the jurisdiction of Rome, is not only as free as was the Gallican church when de Marca wrote, but is *more free*, and was lately solicited to emancipate itself still farther. You will not be so unjust as to imagine, that I mean any comparison between the ecclesiastical system now *tolerated* in France, and the magnificent hierarchy which subsisted in the age of Louis XIV.; or that, by the most distant allusion I would identify even the pretended assertions of de Marca with the avowed purposes of the French emperor. I barely insist, that as far as the exclusion or neglect of the interference of the bishop of Rome, in the

the appointment of French *metropolitans*, can be termed a *fundamental liberty* in a national church, so far were the bishops, not many months since convened at Paris, invited to restore their church to its *liberty*. He who invited them to do so, was known to *command* when he invited: yet, strange to think! the bishops durst not sanction what *Columbanus* esteemed to be the *fundamental right* of the Gallican church. I thank God that our *Irish polemic*, with such a temper as he has displayed on this question, is not likely to hold the sword of Bonaparte over the head of any pope or any bishop.

Leaving the fact of what de Marca has said to the candour and veracity of our author, I am rash enough to maintain, that, until the days of Hincmar, who seems to have considered himself as a patriarch *minorum gentium*, not a text will be found to palliate the assertion, that it was either a *fundamental right* or a *fundamental liberty* of any church in the Gauls to ordain *metropolitans* in the full exercise of that power without any authority or consent, directly or indirectly given by the bishop of Rome; so that the alleged usage, if real, was not a *fundamental liberty*, but an *acquired*, or at most an early *privilege*. Again, I assert, that whether *privilege* or *liberty*, this usage did not contradict the *patriarchal* supremacy of the bishop of Rome in the West. Again, I say, that the discipline, which either restored, or granted, or yielded to the bishop of Rome the *confirmation* of *metropolitans*, has extinguished that supposed or ancient c-

to-

ton, so that it has, neither in right nor in claim, any shadow of existencce. Lastly, I maintain, that this latter discipline was necessarily induced by the abuse of a privilege, resembling that which de Marca is related by *Columbanus* to have defended as a *fundamental liberty*. When I mention *abuse*, I do not charge with any crime or odium the Gallican church itself; I allude to a combination of political and moral causes, from which the *liberties* of christianity were rescued by this later discipline, and from which the same liberties cannot be saved unless by upholding it: for these political causes *still endure*.

That *metropolitans* in *ancient* Gaul and in Spain were ordained without any *confirmation* by the bishop of Rome, is most ably and learnedly argued by Thomassin,* whom no admirer of goodness and science can name without veneration. On the other side, that those metropolitans were *confirmed* by the *patriarch* of Rome, first by express allowance, and afterwards by the sending of the *pallium*, is asserted by Henry Valesius.† But on the present question the authority of Valesius is likely to weigh little with *Columbanus*: This Greek scholar, alas! comes under the malediction of *total ignorance of church history*, pronounced against those, who have *dubbed* the bishop of Rome *patriarch of the entire west*; although, by the
by,

* Thomassin *Vetus & Nova Eccl. Disciplina* P. 2. L. 3. ch. xix.

§ 9, 10, 11, 12, 13.

† In dissertatione de patriarchis contra Launonjun. In Appendic. ad *Notas in Socrat. Hist. Eccles.*

by, this *aulicus Romanus* was himself the collector and translator of Greek church historians. Let us now attend to the arguments of Thomassin, which, in brief, are these :

“ No man,” writes Thomassin, “ will think of defrauding Peter and his successors of the privilege of having founded the churches of Milan and Alexandria. Hence was purchased the right of ordaining bishops there.” This authority of the bishops of Gaul over Italy and the circumjacent provinces was confirmed anciently by two or three hundred years of the *Notitia Imperii*.* However, to return to the second council of Orleans, in 533, decreed according to the ancient form, each metropolitan should be ordained in the congregation of the provincial bishops. In the third council of Carthage in 538, it was resolved, that each metropolitan should be ordained by a metropolitan, in the presence of the provincial bishops. Here,” Thomassin, “ there is not a word to raise even the suspicion, that metropolitans of Gaul were confirmed by the pope.”

“ I grant,” he thus continues, “ that, as is seen from Gregory of Tours, three metropolitans appealed to the pope, and by him were restored.”

* The reader will take notice how far this doctrine is favorable to the discovery of *Columbanus*, or more truly that of *Sauvage*, meaning of *suburbicarian churches*, is to be demonstrated from the *Notitia Imperii*.

“ *Their sees.* But this had nothing to do with the
 “ *Confirmation of metropolitans.*”

Hitherto the reasoning of Thomassin is undeniably
 just.

He continues thus. “ It would be more nearly
 “ approaching to the point of proof, to cite the same
 “ Gregory of Tours, when he relates, that Gatian
 “ the bishop of Tours was sent thither by the
 “ Bishop of Rome ; and to appeal to his authority,
 “ where, elsewhere he records, that under the reign
 “ of Decius, not only *Gatian* was sent to Tours,
 “ but *Trophimus* to Arles, *Paul* to Narbonne, *Sa-*
 “ *turninus* to Toulouse, *Dionysius* to Paris, *Austre-*
 “ *monius* to Auvergne, and *Martial* to Limoges.
 “ For although he does not expressly mention that
 “ all these had their mission *from Rome*, yet it is most
 “ highly probable that such was his meaning.”

It is indeed most highly probable, that such was his
 meaning. Above one hundred and seventy years be-
 fore Gregory wrote his history, pope Zosimus repre-
 hends the bishop of Narbonne for usurping the right
 of ordaining in that province, “whereas the right, by
 “ most ancient regulation, has been granted to the see
 “ of Arles; inasmuch as *Trophimus*, of blessed memory,
 “ having been sent a missionary to the city of Arles by
 “ the see of Rome, first displayed in those regions
 “ that reverend dignity,” (of apostolical mission)
 “ and transmitted it to his successors.”* The same
 declaration

* Epist. 4. ad Hilarium Narbon. Labb. II. 1570. Nam Sanctus
 Memoriz Trophimus, sacerdos quondam urbi Aretatensi ab sede apos-

declaration is made to pope Leo I. by the bishop subject to Arles, when requesting that the pope would restore to Ravennius, who succeeded Saint Hilary those prerogatives, which Leo had adjudged over the metropolis of Vienne. Those bishops also deny the primacy of Arles from the mission of Trophimus to the city of Arles.* † Now, if *two* out of those *six* missionaries were confessedly directed from Rome is not *most probable* merely, but it is incontrovertible that the *seven* had their mission from the pope. The words of Gregory of Tours will bear no other construction.†

To return to Thomassin. "Innumerable controversies," says this author, whose words I give, "have arisen between learned men on this question. My part I ask no more than this. Although all
" Gall

telica transmissus, ad illas regiones tanti nominis reverentiam præ exhibuit, et in alios non immerito ea quam *acceperat* auctoritate transfudit ... neque æstimes pontificatum de ordinandis sacerdotibus velle candum, cum hoc videas Arelatensis episcopo civitatis et *per apostolicam sedem* et per sancti Trophimi reverentiam & per veterem consuetudinem, et *nostra recentis evidentissima definitione* deferri. The account of the mission of Trophimus is given by the pope in his letter to the bishops of the provinces, Viennensis and Narbonensis. Præf. Epist. 3. *ibid.*

* In Labb. C. III. 1440.

† Hist. Fran. Lib. I. ch. 30. Hujus (Decii) tempore *septem* episcopi ad prædicandum in Gallias *missi sunt*...Hi ergo *missi* Turonis *Galicus* episcopus, Arelatensibus *Trophimus* episcopus &c.

“ Gallican churches should acknowledge their origin
 “ from the church of Rome, and indeed it is conceded
 “ by all, that several of them were so founded ; yet
 “ from this fact, no inference can be drawn to warrant
 “ an assertion, that the *ordination* of metropolitans
 “ was reserved to the see of Rome.” I state the text
 below, lest I should misapprehend the sense, where
 the argument begins to grow momentous.*

I most reluctantly dissent from my betters in erudition ; and unless I acknowledged Thomassin to be such in every particular of discipline regarding the western churches, I should consider myself to be worse than a fool ; in short, to be an impudent man. Yet I will say, without disparagement to the learning of this writer, which, on a thousand points, I have found incredibly comprehensive, and, on most points, to be not only correct, but scrupulously faithful ; I will say, in the name and under the invocation of Truth, that seldom or never he narrows or enlarges his inference, unless where his patriotism, or his zeal to defend the received and favoured ideas of Gallican *liberties*, and to conciliate these recent *assumptions*, as they are called by some catholics of an opposite persuasion, or *usages*, as they might be termed in liberal controversy, or singular and necessary *privileges*, as I would rather

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denominate

* Unum quippe nobis sufficit, quamquam omnes Gallicanæ ecclesiæ primigeniam originem suam A. R. Sedi acceptam referrent, quod de plerisque eorum omnes, ut opinor, assentiuntur ; nihil tamen inde argumenti derivari posse, ut affirmetur Metropolitanorum *ordinationem* ejusdem sedi fuisse reservatam. Thomassin. part 2. lib. 2, ch. 43.

denominate them, with that rule of *devolution* to the apostolical sec, whereby this author explains and justifies the several changes of discipline in the western church, and accounts for the variance between the prevailing rules of the sixth century and those which began to sway in the twelfth, when the *confirmation* of metropolitans by the pope came to be *insinuated* as necessary, in those decretals, which, from that century, have held paramount authority.

With this express protestation I will beg to make free with the lately-quoted observation of Thomassin, that "although it is agreed by all, that the holy see founded originally *several* of the *French churches*, yet the inference cannot be drawn that it reserved the *ordination* of bishops."

If the question were to be debated before heathen judges, very possibly the reasoning would appear demonstrative. No heathen judge could understand how a claim of *ordaining bishops* could result from the supposition of having *sent to found a christian church*. But in truth and in fact, Thomassin is favourable though adverse in appearance. He had argued, that the holy see had *purchased* the *right* of ordaining bishops for Milan, Aquileia, and the surrounding provinces, by having founded in those quarters a christian government of religion: he allows, and for the honour of the Gallican churches it should not be doubted, that several of the Gaulish churches were founded by missionaries from the apostolic see of Rome. Therefore,

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at least in the churches thus instituted, the *right of ordaining bishops* was purchased by the fact: and consequently, if in such churches *the right of ordaining* (he ought to have written of *confirming*) metropolitans, was not *reserved*, this cession being against an inherent right, should have been proved either in express words, or by an exclusive prescription. Now, as to express words, no such are even pretended to have been used, or could have been used, by the see of Rome, which was at the same time the president of catholic communion. As to an *exclusive* prescription, the very idea which these expressions would convey, is condemnatory of the system of every local christian church, saving those churches which were founded by apostles, and which remained evermore in the universal doctrine and communion. An *exclusive prescription* in any mode of government not divinely founded, when alleged in contradiction to an authority of unquestionable divine foundation, is worse than nonsense in speech. It is antichristianism. This is manifest. But in the christian system a *fundamental liberty* in eventual derogation of an immortal and salutary divine right, stands in contradiction to the supremacy of that immortal right, so far as it pretends to be *fundamental* and *essential* to a local and derivative government. Therefore, this *liberty* of the ancient Gallican churches, when it subsisted, if it did at any time exist, must have subsisted not as a fundamental liberty, but as a concession or a privilege; at all events, as subordinate to the higher duties

duties of every national church towards that apostolical source from which it had derived the faith, at which at the same time was the source of catholic christianity.

To continue, however, from Thomassin. It is undoubted, says he, that Augustine had his mission in England from Gregory the great. Now Augustine was directed, as soon as the entire nation were converted, to ordain two metropolitans, each of whom turn should *ordain and confirm the other*, without ~~tarry~~ing for a confirmation from the see of Rome. Gregory could determine so in an age, when it was then received usage that every *metropolitan should be confirmed* by some *primate*, what shall we think of the popes of those earlier ages, when the *distance of place* and the *fury of persecution* did generally preclude the communication between bishops? Pope Honorius confirmed anew the regulation of Gregory concerning the two metropolitans; to the end, writes Honorius that it *shall not be requisite* to journey across seas and countries of vast extent, for the ordination of bishop, to Rome. Such, observes Thomassin, were the *laws* of the churches first instituted, such was the character of their founders. It was not by an impatient desire of rule, but by a spirit of charitable protection, those apostolical popes were determined to keep in their own hands somewhat more of jurisdiction over the neighbouring, than over the more distant churches. The good of the churches required this distinction; and the advantage and good of each particular

ticular church was for the universal pastor the greatest consolation and the brightest glory.*

When we recollect at what a critical period Thomassin argued in this manner; that France at this conjuncture was at the zenith of renown in arts and arms, and bounded its ambition only by the limits of universal command;† that considerable exasperation prevailed between the advocates of the so called *Gallican liberties* and the defenders of what, in France, was nicknamed the *ultramontane* system; in which system the former affected to comprise not only the sticklers for an indirect power in temporal matters, but even those who stood fast to an *efficacious* supremacy in the church: if we recollect that on the side of innovation, all power, and pride flushed with conquest, and eloquence, and fashion, were arrayed against feeble defenders, envied privilege, antiquated sanctimony, and provoking disdain; we will congratulate the respectable memory of Thomassin, who could, in such an age, give so much to decency, and so little to the times.

In truth, from his line of argument, and from his
very

* Thomassin, *ibid.* § xi. *Et fuere conditarum primum Ecclesiarum leges, à primorum fundatorum mores. Non dominandi libidine, sed consulendi charitate urgebantur Apostolici illi Pontifices, ut plusculum sibi jurisdictionis retinerent in ecclesias eas quæ proximiores essent quam in remotiores: quod id ipsa flagitaret ecclesiarum charitas utilitasque: Pastorum vero universalium gaudium afflueret longe maximum, et gloria splendidior ex utilitate ecclesiarum particularium.*

very address in conducting it, he gives up a *fundamental liberty*, when he pleads for an *original grant*, and that grant to be explained from the separation of bishops, by distance of place or by angry persecution. That those apostolical popes consulted the advantage of every local church which they instituted, I allow. I say more, that when bishops of Rome founded distant churches, they could more safely enlarge the privileges of such new christian establishments, than could any other primate of apostolical districts; because the Roman see would yet hold such churches adhering to itself by the necessary law of communion. The bishops of Rome could grant much and could acquiesce in much more, than the bishops of Alexandria. The question of *independence*, of *fundamental* and therefore *essential* independence, is very different from the question of a charter. The advantage of particular churches may at one time, as in persecution, require an instantaneous self-renewing power; because in persecution, the existence of each church may at one and the same time be assailed. The advantage of each church, in other times, may demand, that the process of renovation, or of succession, shall be conducted in a more deliberate form. In either case the *desire of rule* may be equally applicable or equally impertinent to the merits of the system.

The instances quoted of Gregory I. and Honorius, prove, as far as they can be applied to those earlier times, that no *fundamental liberty*, but a positive and conditional grant, gave subsistence and lawfulness to
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the pretended usage of the Gallican churches. The renewed concession by Honorius would alone demonstrate, that the privilege granted to Saint Augustine had been temporary. But we will presently return to the letters of those two popes, inasmuch as they furnish us with certain *data*, of which Thomassin has not taken any notice, and whose concluding argument is this.

It remains only to see, whether the necessity of confirmation of metropolitans by the pope, may not be derived from the papal delegation, anciently imparted by bishops of Rome. In committing this office to the archbishop of Thessalonica, for the Illyrican diocese, Saint Leo I. expressly orders, that his delegate shall have the power of confirming or refusing confirmation to metropolitans elect. But certain as it is, that such power was exercised by the bishops of Thessalonica throughout Illyricum, it is equally certain, that as to the Gallican churches, the vicars apostolical *refrained** from the exercise of any such authority. We have as yet extant five letters of pope Vigilius, reclaiming all the rights of apostolical delegation. Not
a word

* The words of Thomassin are, *Tam certum est vicarios apostolicos, in ecclesiis Gallicanis, eo jure abstinuisse*. As a literal translation, namely, *that they refrained from that right*, might appear to take advantage of the studied ambiguity in the text, and to force Thomassin, against his wish, to profess that the right existed in the see of Rome, but was liable to be affected by the higher duties of condescension and kindness, which eminently attach to the chief bishop, I have rendered these words as in the text.

a word of having metropolitans *confirmed* by the bishop of Arles. So in the epistles of Pelagius to Sapaudus, and of Gregory to Virgilius of Arles, and to the bishops of the Gauls: lastly, of pope Zachary to Saint Boniface, when he named him his delegate for life, through the Gauls and Bavaria. And surely, how is it to be supposed, that popes delegated to their vicars an *authority* over the Gaulish metropolitans, which they themselves *had never exercised* ? *

So argues a good and most learned man ; perhaps not convinced of the soundness of those reasons, which, in deference to *national* feelings, or to fashionable sentiment at least, which was still more imperious in his day, he found it expedient to mention.

Let us begin by confronting Thomassin with himself.

* The Latin of Thomassin, which is of the author's own version, has it, Enimvero qui *potuissent* eam Romani Pontifices suis seu Legatis seu Vicariis conferre in Metropolitanos Gallos potestatem, quam ne ipsi quidem unquam exercuissent. There is a slight Gallicism in this Latin translation, which I have endeavoured to throw off in the English. Comment *auront ils pu* deleguer, signifies equally *how could they have the power* of delegating, or, *how can it be imagined they would delegate*. The Latin means exclusively a denial of the *power*, which Thomassin does not deny but tampers with. This observation might be deemed trivial, if I had not to do with *Columbanus*, who having popped upon a text of Fleury, that the king's consent was required *dans les elections les plus canoniques*, verbally, in *the most canonical elections*, and idiomatically, in *elections undoubtedly canonical*, or, *as canonical as any other*, swelled out his *cornucopias* of travestied authorities, with these five words of French set in Italics. But of this hereafter, in the proper place.

elf. Who would have conjectured, that this very same writer in the same book, and in the title, "*On the confirmation of bishops elected during the first five centuries,*" had used the following words ; " I will not in this place dwell particularly on legates and vicars of the apostolical see, who *before the year 500* were appointed by the pope over metropolitans. I will barely observe, that of those the primate of Thessalonica was the most ancient : that the *others resembled him very much* ; that the *Gallican church obeyed those papal legates*, who presided even over metropolitans ; and that this is sufficient to demonstrate, that the bishops of Rome not only held, but exercised anciently no inconsiderable authority over the ordinations of all the bishops of the Roman patriarchate." Is it credible, some one will say, that the same author would assure us, that the popes controlled all episcopal elections within their patriarchate by means of their vicars apostolical, and should also pretend, that those vicars apostolical had *nothing to do* with the confirmation of metropolitans ; as if he who chooses before consecration, does not in reality confirm and ratify that ordination, to which he himself had been a party ? It is scarcely credible, I confess ; but it is true.—Read.*

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But,

* Thomas. same part and book, ch. 8. Non hærebo hic in Legatis et vicariis apostolicis, qui *supra metropolitano*s a papa collocati sunt, ante annum Christi quingentesimum. Unum adnotabo, inter eos antiquitate sua excelluisse Thessalonicensem, et ceteros persimiles fuisse ; paruisse

But, says Thomassin, until the year 800, popes did never by themselves exercise the authority of *confirming metropolitans*. Never? What then is the meaning of these expressions? "Leo to the bishops of the province of Arles. Since you have unanimously consecrated our brother Ravennius, according to the wishes of clergy, magistrates, and people, in the city of Arles, we *confirm with our authority* your good deed." * This is the Leo who had informed the bishops of Vienne, that he never meant to keep in his own hands the ordinations of those provinces, but solely to resist innovation upon their rights.† If Leo thought it his right to *confirm* the election of Ravennius to Arles, there is more than a probability, that he but followed the established rule. If not, the case becomes stronger. For then it would appear, that Leo considered himself entitled in right of his primacy & of his patriarchate, to introduce the precedent of *confirming metropolitans* in the Gallican churches.

Th

isse ecclesiam Gallicanam his papa vicarius, qui metropolitanis etiam praeerant; idque omnino argumenti satis esse, ut evincatur, in ordinationes episcoporum omnium patriarchatus Romani, Romanos pontifices jus non mediocre jam olim non obtinuisse tantum, sed et exercuisse.

* In Ep. C. VI. Quod in Arelatensium civitate fratrem Ravennius secundum desideria cleri, honoratorum et plebis unanimiter consecratis, bonum fraternitatis vestrae opus nostro judicio roboramus.

† In Epistol. 89. §. ult. Non enim nobis ordinationes vestrae provinciarum defendimus, sed vobis per nostram sollicitudinem vindicamus, ne quid ulterius liceat novitati.

The letters of Gregory I. and of Honorius having been employed to shew, that the see of Rome in the more early times was not likely to insist on confirming *metropolitans*, I am called upon to prove, that these letters supply an evidence overlooked by that great man, whose reasoning I oppose. The argument, with regard to primitive times has likelihood: I apprehend notwithstanding, that it builds on two suppositions, of which neither has solidity: first by assuming that the metropolitan sees in the early Gallican churches were *numerous*; whereas it is most likely, that the bishop in each city remained for many years without a suffragan: the second assumption takes it for granted, that when in the reign of Decius the seven missionary bishops were directed into the Gauls, they were either strangers to one another, or merely united by the bonds of charity and co-operating zeal, without any plan of church government in common, without any rule of subordination, and without any provision for communicating with the parent see. From all I have been able to collect, I am persuaded, that, Italy apart, there were not more than four or five metropolitans in the sense of the canon of Nicea, in the entire western church, even so late as the beginning of the fourth century. Again, from the very letters of Gregory I. and Honorius concerning the new church of England, it appears, that not only succession but subordination is provided for. When the fury of persecution is urged as an argument of probability, that no *confirmation*, or *recognition*, or *acceptation*, (for I care nothing about

about the *manner* of associating metropolitans in partnership with the governing power of the church of Rome) was used, it seems to be forgotten, that persecution went farther than to prevent the free intercourse of bishops: that it went occasionally to *ban* and to *kill* them. In this latter case the privilege of appointing *metropolitans without a confirmation* by the apostolic see, could be of little service. It would be requisite, that each bishop, at least that each metropolitan bishop should have had the power of replacing an outlawed or martyred compeer, as speedily as possible: in short, that each metropolitan should have acted as a primate now and then. Such, I do believe was the fact; but such a state of things was manifestly a dissolution or suspension of all positive church law and could not even serve for a precedent, when times of peace were allowed.

In the second letter of Gregory I. to Augustine, the following passages are those alluded to by *Thomas* but not stated. " Seeing, that by the abundant goodness of heaven, and with your exertions a new church of English has been conducted to the favour of God, we grant to you the *use of the pallium* merely during the celebration of mass on great festivals, that *so you may ordain twelve bishops in twelve districts*, to be subordinate to your ecclesiastical province; so that, for evermore, the *bishop of London shall be ordained by his own synod, and may receive the pallium* of" (metropolitan) "*denied from this holy see*, of which, by divine provision

“ dence, I am the minister. We also desire, that you
 “ will send to York a *bishop* to be appointed by your-
 “ self, to the end, if that city and the surrounding
 “ districts shall receive the gospel, that *he likewise*
 “ *may ordain* twelve bishops, for the *purpose of his*
 “ *enjoying the dignity of a metropolitan, because to*
 “ *him also, we propose, with God’s blessing, to impart*
 “ *a pallium, if we shall live so long.*” *

There is little need of arguing on this passage. The pope expressly declares, that the conferring of the pallium to Augustine was the giving a metropolitan right of exercising jurisdiction in a province: he declares, that the successors of Augustine, in London, shall be consecrated by *the bishops of his province*, and yet, *after consecration*, shall take, from Rome, the pallium: he declares, that the church of York shall, on a certain eventual condition, rank as a *metropolitan see*,
because

* In Epistol. xv. Lib. XII. Quia nova Anglorum Ecclesia ad omnipotentis Dei gratiam, eodem Domino largiente et te laborante, ... usum tibi *pallii in ea*, ad sola missarum solemnia agenda concedimus, *ita ut* ut per loca singula duodecim episcopos ordines, qui tue ditioni subiaceant, quatenus Londoniensis episcopus civitatis semper in posterum *a synodo propria debeat consecrari*, atque *honoris pallium* ab hac sancta et apostolica, cui Auctore Deo deservio, sede percipiat. Ad Eboracam vero civitatem te volumus episcopum mittere, quem ipse iudicaveris ordinandum; ita ut si eadem civitas cum finitimis locis verbum Dei receperit, ipse quoque *duodecim episcopos ordinet*, ut *metropolitani honore fruatur*, quia ei quoque, si vita comes fuerit, *pallium tribuere*, Dominus favente, proponimus.

because he purposes to send a pallium to the bishop of York also. He plainly distinguishes the election and consecration to a metropolitan see from the exercise of a jurisdiction reserved to that see; and unequivocally informs us, that the sending of a pallium was the confirmation of metropolitan power; in other words, was the recognition or allowance, in a bishop, of the rank or dignity of a fellow-primate with the chief bishop of Rome, and his holding a subordinate portion of the authority of Peter, to preside over an apostolical college of regionary bishops.

It being essential to place beyond a doubt, that the primary, leading, and express purpose of giving the *pallium*, was to adopt into the society of Peter's governing care those, who held a title to pre-eminence over bishops, but that title founded on a church canon, which was necessarily becoming weaker in its force, because grown equivocal in its application with the lapse of time; I will give this other authority from a letter of the same Gregory I. to the bishops of Illyricum." "Having learned that your unanimous consent
 " and the assent of the Emperor have concurred in
 " the election of John, our brother bishop, we felt
 " exceeding great joy. Wherefore, according as you
 " desire and demand, we confirm him *in the rank* of
 " *priesthood*, in which *he has been established*, by the
 " *superior force of our assent*; and by sending to him a
 " *pallium* we indicate, that we recognise his consecra-
 " *tion.*"

"tion."* This was written concerning the established metropolitan see, Justiniana Prima.

When pope Honorius, at the solicitation of king Edwy, enlarged the privilege of the bishops of Canterbury and York, by empowering the survivor of the then two bishops, to ordain a successor to the other, he intimates the concession to the king in these words. "The privilege you have hoped for in behalf of your bishops, we by provision have granted heartily, and without hesitation, in regard to that sincerity of faith, which has been fully represented to us by the bearers of these presents. We have sent to each of the two metropolitans, a *pallium*, that so when it shall happen to either to depart, the other may ordain a successor to him by the authority now bestowed. This concession we have been invited to make, as well in return for your zeal, as in consideration of the vast distance at which we are placed from one another."† To the two bishops above-mentioned

* Lib. IV. Ep. 5. Quia ex epistolis, &c. in persona Joannis fratris et co-episcopi nostri consensum omnium vestrum & serenissimi principia cognovimus convenisse voluntatem, magna nos exultatio habuit... Proinde juxta postulationis vestre desiderium predictum fratrem et co-episcopum nostrum in eo in quo est sacerdotii ordine constitutus nostri apertius auctoritate firmamus, ratamque nos ejus consecrationem habere, diligentes pallium, indicamus.

† In Honorii P. P. Epist. 5. ad Edwinum Regem. Ea vero que a nobis pro vestris sacerdotibus ordinanda sperastis, hæc pro fidei vestre sinceritate que nobis multimoda relatione per præsentium portitores

mentioned he writes on the same subject thus.
 “ Hereby, as well at your request, as at the
 “ asking of your kings, our sons, we, on the behalf
 “ of Peter, the chief of apostles, give you authority
 “ by this our regulation, that whensoever the kind
 “ providence shall summon one of you, the sur-
 “ vivor shall have to ordain a successor to the de-
 “ parted. For which purpose we have even sent off
 “ a *pallium* to each of you for the solemnizing of
 “ such ordination, that by the power of our com-
 “ mission you may be enabled to perform religiously
 “ and worthily the said rite. We have been com-
 “ pelled to incline to this, on account of the immense
 “ tracts of sea and land travel, which form an obstacle
 “ to our correspondence.”*

In this letter the sending off a *pallium*, amounts
 even

titores laudabiliter insinuata est, gratuito animo attribuere illis sine
 ulla dilatione providemus. Et duo pallia utrorumque metropolitano-
 rum, id est, Honorio et Paulino direximus, ut dum quis eorum ex hoc
 seculo ... fuerit accersitus, in loco ipsius alterum episcopum *ex hac*
nostra auctoritate debeat subrogare.

* In Epistol. 6. Et tam juxta vestram petitionem, quam filiorum
 nostrorum Regum, vobis presenti nostra præceptione, vice B. P.
 apostolorum principis, auctoritatem tribuimus, ut quando unum ex
 vobis divina ad se jusserit gratia vocari, is qui superstes fuerit alterum
 in loco defuncti habent episcopum ordinare. Pro qua etiam re, singu-
 la vestre dilectioni pallia pro eadem ordinatione celebranda direximus,
 ut per nostre præceptionis auctoritatem possitis Deo placitam ordi-
 nationem efficere: quia ut hæc vobis concederemus, longa terrarum
 marisque intervallo, quæ inter nos ac vos obstant, ad hoc nos condes-
 cendere coegerunt.

even to more than the confirmation of metropolitan rank; it is giving *pro hac vice*, a contingent primatial rank. But it is so far from excluding the primary signification of the *pallium*, that it supposes the recognition of metropolitan rank, as bestowed by saint Gregory, and on this it accumulates a special honour.

In the age of saint Gregory, therefore, the *pallium*, as well in the case of newly erected sees, as in that of ancient metropolises, testified the acceptance by the see of Rome of the person elected or consecrated, into a jurisdiction over bishops. When Honorius I. appointed Primigenius to the bishopric of Grado, he sent him with his *pallium* to be consecrated by the provincials, enjoining them to proceed canonically and render *sincere obedience to their chief*. * Beyond this point, the rights annexed to the *pallium* had been uncertain, until the time of Gregory I. During his pontificate and thenceforward, a papal delegation usually accompanied the gift.

Amongst the original proofs, alleged by *de Marca* in support of his *fundamental liberties*, I perceive the invention of a Gallican *pallium* as contradistinguished from that of Rome. Thomassin has exploded the
 2 H fiction

sejundem Honor. Epistol. 2. Primigenium itaque subdiaconum
 tali ordine cum *Pallii benedictione*, direximus consecrandum.
 bit ergo fraternitatem vestram, juxta legem ecclesie concta
 re, capitique vestro sinceram obedientiam exhibere. Labb. V.

fiction, yet without following up his advantage, owing, no doubt, to prudential reasons. The text on which *de Marca* founded his reverie is the sixth canon of the first of *Mascon*. Ut archiepiscopus SINE PALLIO missas dicere non præsumat. *De Marca*, as appears, mistaking archiepiscopus for metropolitan, whereas it signified *primate*; and considering that, at the time of holding this council, only the principal metropolitans took the *pallium* from Rome, and were restricted in the use of it to certain great festivals, inferred that the Gallican metropolitans had a *national pallium*, which they were accustomed to wear, as often as they appeared in function. Thomassin observes, that *archiepiscopus* was then the title of the primate of Arles, and adds, that those bishops imposed the law on themselves, not to *enter on the exercise of their metropolitan authority, until they had received the pallium (from Rome).**

I agree with Thomassin in two particulars: first that *archiepiscopus* unquestionably meant a bishop holding rank above metropolitans. Secondly, the *sine pallio* is neither more nor less than *being unprivileged with a pallium*. I dissent from his assertion, that the form was applied by the makers of this canon to
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* Thomassin. Part 1. Lib. 2. Ch. 54. Hoc sibi ipsi episcopi præscribere, ut donec pallium acciperent ab omni se metropolitane potestati exercitio abstinere. Sic enim Concil. I. Matiscon. An. 581, sancit ut archiepiscopus sine pallio missas dicere non præsumat. Solus tunc metropolita Arelatensis pallium et archiepiscopi nomen obtinebat.

the bishop of Arles alone. One fact disproves his assertion. The bishop of Arles was *not* present, nor assenting to this council. Of the elder Gallican or apostolical sees, the only bishops concerned with it were those of Lyons and Vienne. If then the bishops imposed this law on themselves, and the bishop of Arles was *not* present, nor imposing the law *on himself*; of course he was not *solely*, nor *at all* within the contemplation of this canon, as explained by Thomassin.

Moreover, Gregory I. was bishop of Rome in less than ten years after this council, and to him the bishops of Lyons and Vienne apply for the *customary pallium*. It would argue great effrontery in those good bishops to have made such a demand without any foundation.

Again, the word *præsumat* overthrows the supposition, that this canon was introduced by a self-denying spirit. Its exclusive import is, to *usurp* on the jurisdictional rights of a see, and principally of a metropolitan see. Now a canon against *usurpation* does not exactly go to the *surrender of a right*.

But here is a more serious objection. The expression *missas dicere* is assumed by Thomassin to signify the exercise of metropolitan jurisdiction. Now, metropolitan jurisdiction consisted in the power of assembling synods in one province, and of ratifying, at least, the election of every provincial bishop. This jurisdiction is reserved expressly by Leo I. to the metropolitans subject to Thesalonica, as apostolical vicar,

vicar, * even while the latter is empowered to confirm
 or to disaffirm episcopal elections; and in this respect
 I am surprised that Thomassin should argue from *the*
saving of metropolitan rights, in the letter of Hormisdas
 to his delegates in Spain, that the confirmation of met-
 ropolitans was not included in those appointments.
 Can it be supposed that *missas dicere* alludes either
 to provincial synods or to the ordaining of provincial
 bishops? Certainly not. *De Marca*, I grant, took
 it into his head that *missas dicere* was literally *dire* *de*
messe, and from such an interpretation he inferred,
 successfully enough, a *Gallican* pallium, worn *every*
day by metropolitans. Thomassin, as infinitely more
 learned, dissembles that blunder. The only admissi-
 ble conjecture on this text, is that, seeing *missas dicere*
 was never to *celebrate mass*, nor can signify to *exer-*
cise metropolitan jurisdiction, nor *any thing else*, the
 wording is vicious, and should be restored, *missas ex*
dicere, taking *missa* for synaxis or congregation, and
 that thus the signification shall be, "that no primate
 " unless authorised with a pallium shall attempt to su-
 " mon" out of the provinces " to general meetings."

The

* Leon. Ep. 84. ad Anastas. Thessalonic. Labb. III. 1384. §. II.
 Metropolitanos singularum provinciarum episcopos, *jus tradita*
sibi antiquitus dignitatis intemeratum habere decernimus.

† Thomassin. P. 2. L. 2. Ch. 19. §. xiii. Adde quod Hormisdas - - non
 meminerit juris hujus metropolitanos confirmandi; quinimo de-
 eo primatiz jure novo nil *deserpi de prisco jure metropolitanorum*.

The general purport however of this canon is more easily proved, than any correction of its vitiated text can be established, to the satisfaction of a reader. It is undoubted, that the practice disallowed by the council was a practice of *usurpation*: it is certain that in the west, the name *Archiepiscopus* both then, and until the reign of Pope Zachary, was the title of him who had gained a share of apostolical primacy: lastly it is plain, that no exercise of metropolitan jurisdiction by a metropolitan bishop, could have been termed *usurpation*. From these intelligible *data* it follows, that it was some exertion or other, or *affectation* of *primatial* power, which the canon sought to interdict; nor does any species of that power appear reconcileable with the vestiges of the text, unless that which was the foundation of every other, namely the *jus evocationis*, or of summoning bishops to council from the different provinces. This power is expressly given by Pope Vigilius to the bishop of Arles. You see, that, in opposing Thomassin, on this point, I am doing away a principal authority for the confirmation of *Metropolitans in Gaul* by the Pope, especially when you take into account, what confusion existed for many years in the west, concerning the construction of *Metropolis*, when applied to ecclesiastical jurisdiction. But to seek the truth is of greater importance, than to seek for the *confirmation* of metro-

In the letter of Vigilius to Auxanius of Arles, the latter is constituted Vicar Apostolical through the Gauls. As Thomassin has found nothing in this appointment, from which the *confirmation* of metropolitans can be inferred, it will be right to state, that Auxanius is empowered to convoke synods, to judge therein on all disputed matters between bishops, to give attestations of rank, without which no ecclesiastic is to travel into any foreign parts. All questions of faith and greater causes, (namely those tending to the deprivation of bishops, as we may collect from the rules of Leo I.) are reserved for the ultimate decision of the pope. In the notifications of this appointment to *all the Gallican bishops, as well those within as without the ordination of Arles*, Vigilius declares, that in all matters of contention the primate is empowered to collect a sufficient number of bishops, and there to decide according to the canons and rules of the holy see. Moreover, that whenever the said primate *shall judge it expedient* to convoke them all together, his summons shall be obeyed, and the said deputy shall *enact and define*. Causes of faith and episcopal crimination are reserved; and the right of attesting to rank, as in that of the pope to Auxanius.*

III

* In his 6th letter, Vigilius receives from Auxanius the account of his consecration to Arles, and congratulates him on the *regularity of his election according to the canons and to the rules of the Popes: defer* granting the *pallium*, until he shall have apprized the Emperor

Script

In the letter of Pelagius I. to Sapaudus of Arles, Thomassin finds nothing to warrant the suspicion, that those delegates, or vicars apostolical had to do with the *confirmation* of Metropolitans. "We give
"you

Scripta de ordinatione caritatis vestrae, Joanne filio nostro presbytero, med et Teredio diacono deferentibus, cum animi spiritali gratulatione suscepimus, Domino gratias referentes, quia hoc in ecclesia Arelatensi factum est, quod et canonibus et decessorum nostrorum regulis contineret...

De h's vero que caritas vestra tam de usu pallii quam de aliis que sibi a nobis petiit debere concedi, libenti hoc, etc. In Epistol. 7 ad eundem Ammanium. Si que ergo inter fratres et coepiscopos nostros, in locis presenti auctoritate vestra caritati commissis...dissensiones emeruerint, adhibitis vobiscum sacerdotibus numero competenti, causas canonica et apostolica equitate discutite, ea modis omnibus pro lato judicio finituri, qua Deo placitis decessorum nostrorum possint regulis convenire.

Si qua vero certamina aut de religione fidei, &c....totius veritatis indagine diligenti ratione discussa, relationis ad nos seriem destinantes apostolicæ sedi terminanda servate...Nullus ergo de pontificibus...in longinquis quibuslibet locis audeat proficisci, nisi solemniter...formatam vestra caritatis acceperit. Idem epistola 9. ad episcopos Gallie, tam qui sub potestate gloriosissimi filii nostri regis Francorum consituti sunt, sed et i's, qui ex antiqua consuetudine ab Arelatensi consecrati sunt vel consecrantur episcopo. Auxanio...vices nostras caritas vestra nos dedisse cognoscat, ut si aliquis, quod abiat, fortassis emeruerit contentio, congregatis ibi fratribus et coepiscopis nostris, causas canonica et apostolica auctoritate discutiens (from which term *equitate* in the former letter is to be corrected *auctoritate*) Deo placita Aequitate definiat. Contentiones vero si quæ in fidei causa contigerint, aut emeruerit forte negotium, &c. ad nostram discussa veritate perferat sine dilatione notitiam. Et quia necesse est, ut aptis, Deo propitiante, temporibus Arelatensis episcopus nostra aucto-

toritate

“you, Reverend Brother,” writes the Pope, “I charge, that, being instituted the vicar of our see you are to hold the place of primate in the Gau in our representation, and to dispense in the fe of God, and adhering to the rules of the father and the decretal rules of the holy see, whatsoever is necessary to be performed, for the government and management of the ecclesiastical state.”*

If those vicars had the authority of convoking councils generally, as well as of deciding all matters dispute; if they were bound to see, that the rules

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toritate fungatur, quoties judicaverit expedire, ut pro facienda consuetudine (not consolatione, as printed), communi, episcoporum debent congregari personæ, nullus inobediens forte ejus mandatis sit: quæ si fuerit, a congregatione suspendatur, nisi sit corporalis infirmitas &c. Labb. V. 320, 322, 326. The same authority is given to Vigilius by Aurelian the successor of Auxanius. To each it was bestowed on the special recommendation of King Childebert. To the latter, Aurelian, the vicarship was imparted less than two months before Vigilius was carried off by Justinian's order. Aurelian presided in the fifth council of Orleans, in the reign and territory of Theodebert, who was at war with the Romans, and of the destruction of whose invading forces in Italy and Sicily, shortly after the date of this council, there is a memorandum in the addition to the *Marcel Chronicon*.

* Hinc est quod et nos fraternitati tue curas injungimus, ut se nostræ Vicarius institutus ad instar nostrum in Galliarum partibus primi sacerdotis locum obtineas, et quicquid ad gubernationem vel dispensationem ecclesiasticæ status gerendum est, servatis Patrum Regulis, Sedis Apostolicæ constitutis, divini judicii consideratione dispenses. Labb. V. 309.

the apostolical see were adhered to, which see had established a form and conditions for all episcopal elections; it would be somewhat strange, that their authority should not extend to taking cognizance of metropolitan elections when contested, of taking information of them whether contested or not, and of acquiescing, by some exterior act, in those elections at least, which were the most important, namely in those of metropolitans.

That no metropolitan elections could take place without the *knowledge* or *connivance* of the primate, is plain enough. As for a *previous* consent to proceed to election, that was implied in the very decretal rules of the see of Rome, which it was the office of the *primate* to enforce. Whether the name of the person elected was to be *notified* to the primate before consecration (even where the election had been canonical), as was directed by Celestine, and by Leo in the case of bishops and of metropolitans elect through the diocese of Thessalonica,* I esteem a point

* In Leonis Ep. ad Anastas. concerning metropolitans elect. De cujus nomine ad tuam notitiam provinciales referant episcopi impleturi vota poscentium, si quod ipsis placuit, tibi quoque placuisse cognoverint. Sicut enim justas electiones nullis dilationibus volumus fatigari, ita nil permitimus te ignorante præsumi. From this direction it is evident, that Leo did not allow to Thessalonica a power of choosing metropolitans, nor even a general power of withholding confirmation. The election was to be notified to the primate, the primate's assent was to be returned, in order to preserve subordination

point comparatively inconsiderable. From the distant provinces, I do not believe that it was so notified or was required to be so notified before consecration; not that I think the power and authority of the p

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dination, but when the election had been *canonical*, the pope declares that it *shall not be harrassed by any dilatory means*. De Marca, who has looked into this moment, pretends (Lib. 6. Chap. 5. Sect. 3. Baluze in the apology for this opinion which is thrown into, Lib. Ch. 20.), that the bishop of Thessalonica was of old the exarch of those metropolitan sees, and that he held the right in question, in quality of papal delegate, but of immemorial possession. In support of this assertion, not an iota of evidence is adduced by de Marca or by his editor, except that, by the council of Nicea, the bishop of Thessalonica (as *Gelasius writes*,) was appointed to notify its decrees throughout Macedonia and so forth. If this authority were conclusive then beyond a doubt the bishop of Rome, whose legates were ordered (as *Gelasius also writes*,) to notify those same decrees throughout Rome, Italy, and thence throughout Spain and to the ocean, would be proved to have equally held the ordination of *metropolitans* in those countries. Baluze, however, gives up *Gelasius* as a bad authority and relies on other authorities still more absurd. In opposition to this shew of mock authorities, I set the words of Celestine to the bishops of that diocese: "*We have committed to Rufus our vicar*" "*throughout your province: so that all causes are to be rendered*" "*his cognizance. Let none be ordained without his advice: let*" "*person without his knowledge usurp the province committed to him*" "*Cui vicem nostram per vestram provinciam noveritis esse commissam*" "*ita ut ad eum quidquid de causis agitur referatur. Sine ejus consensu*" "*nullus ordinatur; nullus usurpet eodem inconicio commissam illi provinciam.*" Read in the Concil. Roman. III. under Boniface Labb. IV.

mate did not reach to exact so much ; not that I conceive metropolitan rights, properly speaking, would have been done away by a concurrent exercise of a *primatial* with a *metropolitan* confirmation ; but because I have observed, that in the Latin churches, wherein the system of canonical election originally was enacted by the holy see, this see guaranteed, as as of *divine choice*, the unanimous elections of bishops, if made honestly. But at the same time, the primate did naturally take information of all such elections, because he was empowered to summon bishops from every province. In what manner, or by what form of *congratulation*, or of *correspondence* he notified his acceptance of and communion with metropolitans elected and not consecrated by himself, is a matter of pure hypothesis.

To consider this question apart from the cumbrous obscurities, which have been multiplied by party spirit on either side ; by well meaning zeal in those who advocated the divinely founded privileges of the chief bishop, without sober reflection or science ; or by those, who, in the fullness of national enthusiasm, or of mercenary courage, or of parasitical craft, or from the best motives, have endeavoured to reduce to a certain factitious standard, the compass of papal authority, I think, that as to the *confirmation* of metropolitans and of bishops in the western patriarchate, before any formal method established for authenticating or giving this confirmation was fully realized by the laws of the church of Rome, which prescribed
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the method of election, and which were received as binding and authoritative by those west churches, and by the subsequent communication bishops and metropolitans with the see of Rome; this see always took it for granted, until complained, that the bishops with whom it communicated in the west, had been advanced according to laws.

There exists not, I suppose, one man among those most addicted to the see of Rome; not one believe, amongst those whom *Columbanus* denominated the court theologians of an aged, beggared, imprisoned old man; not one of the flatterers of this formidable sovereign, who will maintain, that, when the see of Rome has declared a general regulation, the same see ought to vary that regulation, without cause expressed or pretended. On the other hand there is not a Catholic man, who will not agree that concerning fitness and admissibility into ecclesiastical rank, that man is the first to be consulted who is the teacher of all priests; that he is the most authoritative in legalizing ecclesiastical rank, for whose communion the best, because the Catholic authority of episcopal power, cannot be disjoined and by the existence of whose chief office, the condition, and the following stations of hierarchy realized, not degraded.

It is true, that in those ages and countries where the utmost energy of the social principles of christianity was required to preserve the system from
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tion, the confirmation of bishops in distant places was little else than the spiritual communication with them. *Every church*, said Irenæus more than sixteen hundred years ago, *must communicate with the church of Rome, on account of its pre-eminent chieftaincy.* The very churches of the east, for the instruction of which Irenæus wrote, were not exempted from this law, although not founded by the church of Rome. With regard to the western churches, in which Africa was comprehended, their *voucher* for orthodoxy was Rome; and this parent church not only introduced, but maintained in all its colonies of the faith, the greatest possible scope of freedom, as long as that freedom remained unassailed by the passion of separate independence, and untampered with by secular domination. With regard to metropolitan churches, the Nicene rule was not intended for the west. It was adapted to the west by pope Siricius, and after it was admitted into the Gauls and Spain, it betrayed, on almost every occasion, its unfitness for those countries. The synod of Turin adjudged a primatial right to Vienne, as being a civil metropolis. The diocese of Arles appealed from this decision to Rome, and by Rome it was annulled. Leo I. took away from saint Hilary a portion of his diocese, and transferred it to Vienne. The see of Arles obtained from after-popes a compensation for this loss by an apostolical delegation. The bishop of Lyons next set up for the primacy, as being successor to Irenæus. In the mean time the ancient civil boundaries are shifted by the introduction of foreign

foreign princes, and the metropolitan power, which originally had meant primacy, being divided against itself and undermined by time, required helps from that authority, which alone remained confessedly the first. That *the delegation* granted in the Gauls did necessarily interfere with metropolitan pretensions, is evident from the followers of de Marca, who ascribe the decline of metropolitan power to this interposition. It would have been well, if they also took into account, that no other way remained of calling national councils, unless through the uncertain medium of secular authority. It would have been also candid, if they had remarked that when saint Boniface was sent a vicar into France, all the metropolitan sees had been kept vacant during seventy years, by the intermission of this vicarial interference. By this failure, the metropolitan privileges were gone in a civil point of view, and, as to an ecclesiastical title founded on any construction of the canon of Nicca, were completely destroyed. A similar misfortune, in the beginning of the same century, had befallen the Gothic churches in Spain, by the inroads of the Moors.

Although Thomassin has guardedly expressed himself, concerning the papal right of confirmation until the year 800, when he is satisfied with maintaining, that the bishops of Rome abstained, in the Gallican and Spanish churches, from *the exercise of such a right*, although he relies on an immemorial positive law of *concession*, not on *fundamental liberty*, for the source of the exemption act up during the period
above-

abovementioned; yet, he has omitted the following important considerations, in stating the boundaries of papal delegation. First, that a vicar apostolical was exempted from the jurisdiction of that episcopal college over which he presided. Secondly, that he was charged with the enforcement of the decrees of the see of Rome, and amongst these with the safeguard of metropolitan powers; so that in fact, *his acquiescence in the election of metropolitans, or in the jurisdiction assumed by a metropolitan, amounted to a confirmation in law, by the see of Rome, which was bound by its own decrees.* When a successor to Judas was to be appointed, and when the election was referred to providence by casting lots, the apostles had imposed on themselves a rule for the election. The lot fell on Matthias, and he immediately *took rank with the eleven.* For any man, who does not implicitly follow the superficial gloss of Beza, it will be plain, that Matthias was confirmed in his rank by virtue of the preceding regulation, and that his admission by the eleven to the apostolic college, was but an acknowledgment of the rule, not a new display of authority.

The chief resource of those, who have written against a *confirmation of metropolitans* in Gaul by the see of Rome during the first eight centuries, is to shew, that no such special confirmation was demanded or bestowed, as by the now prevailing discipline is become requisite: that no *confirmation* in form of canon law intervened between the election and consecration, such as *in* after times it was deemed necessary to provide.

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On the other hand several of those, who maintain that the authority of the see of Rome did at all times extend to the *ordination* of metropolitans in the west, have vainly embarrassed themselves by seeking to prove an identity of form, or a correspondence in the external application of this power, between the two periods entirely dissimilar in ecclesiastical administration. I have proved, that the delegates of Rome *must* have chiefly attended to the regularity of ordinations pursuant to the *canons* and the *decrees of the apostolical see*. The only questions remaining to be asked are, whether those delegates performed their duty? whether they could be excluded from taking informations, at least of metropolitan elections? and, if they could not be excluded, whether their approbation or acquiescence did not sufficiently declare such election to be good, according to the canons and rules, which they were authorised to see well kept? whether their communicating with the metropolitan so chosen and ordained, did not amount to a consummate act of allowance? These questions have but one short answer.—*Certainly.*

In looking over the letters of popes, who, after the fury of Arian persecution was spent, having reclaimed their superintendence over Illyricum and the provinces confining with it, established in the metropolitan see of Thessalonica the vicarship of Rome, I find not only the proofs, but the best explanation of what has been advanced hitherto, both as to the meaning of the word *confirmation*, and as to the peculiar charge

of vicars apostolical to take cognizance of episcopal elections.

From the letter of Damasus to Acholius of Thessalonica, A. D. 380. "I advise your reverence, that as I am informed a council is meant to be held in Constantinople, you will use your exertions, that for the said city, a bishop shall be chosen so qualified, as to be above exception ... Besides I give you warning, that you must not suffer any one, in contravention to the decrees of our forefathers, to be translated from city to city, and to desert the flock entrusted to his care."*

Here I find Acholius not only directly charged in his own district with the execution of the Nicene canon against *translations*, but even admonished generally as a vicar of the holy see, to superintend, in the oriental council at Constantinople, the election of a bishop for that city.

From the letter of Siricius, the successor of Damasus, to Anysius, the successor of Acholius. "Some time back I sent to you, by the bishop Candidian,

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"now

* Recitata in Concil. Romano III. sub Bonifacio 2. Commoneo sanctitatem vestram, ut quia cognovi dispositum esse C. Poli concilium fieri debere, sinceritas vestra det operam, *quemadmodum predictæ civitatis episcopus eligatur, qui nullam habeat reprehensionem*... Illud præterea commoneo dilectionem vestram, ne patiamini aliquem contra statuta maiorum nostrorum de civitate aliâ ad aliam transduci, et deserere plebem sibi commissam.

" now with God, a letter enjoining in substance, that
 " no person should usurp in Illyricum the province of
 " *ordaining bishops without your previous allowance.*
 " I have not heard whether that letter has reached
 " you. For many instances have occurred in the
 " ordinations there, of a spirit of rivalry amongst
 " bishops, as you must know better than I do. Your
 " *delegation* must be prompt in crushing this bold-
 " ness, as well as your holy zeal. If you can in person,
 " you should go, or such bishops as you shall autho-
 " rize by written proxy, should be sent by you, for
 " the purpose of ordaining as catholic bishop in the
 " room either of one deceased or one deposed, a
 " meritorious clergyman, according to the *statutes of*
 " *the Nicene synod, as well as those of the Roman*
 " *church.*" *

From this letter I infer, that the ordinations in
Illyricum,

* Ibid. Anysio Siricius. Etiam dudum, frater carissime, per Candi-
 dianum episcopum qui nos precessit ad Dominum, hujusmodi literas
 dederamus, ut *nulla licentia esset sine consensu tuo*, in Illyrico episco-
 pos ordinare presumere, quas utrum ad te pervenerint scire non
 potui. Multa enim gesta sunt illic *per contentionem ab episcopis in*
ordinationibus faciendis, quod tua melius caritas novit... Ad omnem hu-
 jusmodi audaciam reprimendam *vigilare debet instantia tua*, spiritus
 in te sancto fervente: ut vel ipse si potes, vel quos judicaveris
 episcopos idoneos cum literis dirigas dato consensu, qui possint in
 ejus locum qui defunctus vel depositus fuerit, catholicum episcopum
 et vita et moribus probum, *secundum Nicana synodi statuta vel*
clerie Romanae, clericum de clero meritum ordinare.

Myricum, a district containing at that time New and Old Epirus, Achaia, Thessaly, Crete, both Daciæ, Moesia, Dardania, and Prævalis, were put under the controul of a vicar apostolical *for the first time*; and that this vicar was empowered not only to ordain himself, but to depute to sufficient persons his authority of *assenting to ordinations*. What had become of the *fundamental liberties* of those countries?

From a letter of Pope Boniface I. to Rufus of Thessalonica concerning Perigenes elected to Patara, there repulsed by the populace, and afterwards elected by the Corinthians, to their *metropolis*. “The Corinthians, (a people rendered famous by the panegyric of Paul the apostle;) whose petition I think it better to annex than to relate, wish not so much to *gain* Perigenes for their bishop as to *keep him* their bishop.” *

From another letter of the same to the same. “Perigenes has nothing wanting *for the full confirmation of his episcopacy*, save that I have not addressed him *in his rank as yet*.” †

From these two passages I infer, that the election of Perigenes to Corinth, required the confirmation
of

* Ibid. Corinthii enim beati Pauli prædicatione laudati, quorum preces subdendas esse magis credimus quam narrandas, Perigenem non tam accipere quam retinere desiderant sacerdotem.

† Cui (Perigeni) ad plenitudinem confirmationis episcopatus sui hoc solum residet quod nostros in honore suo necdum suscepit affatus.

of the bishop of Rome; and that such *conf* though expressedly denied by the pope to be i sation, as the townsmen of Patara had refuse mit Perigenes, was most fully to be performe pope saluting him as a bishop in Corinth.

What becomes now of the phantasmagoria ments derived from the confirmation *sub anna toris*, and with the precision of *laudamus* or *c mus*, or with a leaden or even with a golde The metropolis of Corinth was clearly unde dination of the see of Rome; and yet the triv mony of writing to Perigenes is esteemed a *confirmation* of his new rank by the pope. Pray not the trivial ceremony of a bishop of Arles *representative of the pope*, writing to a metrop France, be equivalent to a *plenissima confirmat* estate, if he were either formally or perchance moning him to council, or after informations his canonical election, *saluted*, as the bishop of metropolis? Now the establishment of vicars lical in those distant countries was exactly for pose of performiug all that the pope himself v posed willing, though not able to accomplish jealousy of a new kingdom is offered by A Vienne* as an apology for his not attending in

* Nothing can better shew the depressed state of the churches at the end of the 4th and commencement of the

to acquit himself of *divine* and *human* duties. This jealousy did *not* exist in the time of Boniface I. So that with regard to the Gallican churches, from the sixth century and thenceforward, the *vicarial power* was necessarily larger than in the end of the fourth and the beginning of the fifth centuries, when Damasus, Siricius and Boniface wrote those letters. It had obstacles to encounter in the Gauls: this I allow. It had to encounter the new-born wish of independence under a novel government. It must have been employed cautiously. Most certainly it was, or should have been so employed. I add, that it ought to have been used with the utmost tenderness, not only towards the

try than the complaint of Saint Avitus, that neither he himself was allowed to go to Rome, nor could the Gallican bishops meet, owing to the new circumscription of kingdoms. Epistol. xxxi. Fausto & Symmacho Senatoribus urbis. Primum fuerat talis status rerum considerandus, ut ipsi per nos, urbem orbi venerabilem pro dependendis divinis humanisque expeteremus officiis. Sed quia istud jamdudum, per rationem temporis fieri posse cessavit, velimus, quod fatendum est, vel eo securitatis accedere, ut quæ in causa communi supplicandi oportet, amplitudo vestra congregatorum Gallie sacerdotum relatione cognosceret. Sed quoniam hujus quoque nos tolli non potes reddit provincia, præfatis regnorum determinata limitibus; quamprimo supplici prece posco, ne...pagina hæc moveat, quasi ab uno dictata, fastidium, quoniam a cunctis Gallicanis fratribus meis, ad hoc ipsum non minus per mandata quam per literas oneratus, quæcumque a vobis omnes ambimus unus suggerenda suscepi. Ex Editione Operum Aviti per Sirmondum. p. 47. Extat et in Labb. C. T. IV. 1062.

that portion of Roman spirit, which as yet lingered in the Gallican colonies of the falling empire of the west, but even towards the barbarous tribes, which had peopled the transalpine frontier. The standard of national worth is often slowly ascertained : but a nation, of which the worth has been once recognised, is always slowly disgraced from its acquired reputation. The Gallican churches, composing one synod with that of Rome, had thus swayed the other churches in the west, and had been most worthy of bearing that ascendancy. In the great struggle against Arianism, the bishops of Gaul had suffered, and combated. No church in that day, with the exception of the church of Rome, to which the Gauls adhered, had gained such renown ; nor, generally speaking, could any national church, from the age of Silvester to the pontificate of Leo, contend with that of Gaul, in zeal, in constancy, in superior mind, and in the uniform production of great men, its pastors. It would be most unworthy in the bishops of Rome, to have dealt with so great and so faithful a church, in any other tone than in that of fraternal superiority, mitigated by the expression of trust ; or to have aggravated the sweet yoke of the gospel, where all breathed unity, and peace, and attachment.

When the province of Gaul had received a new race of possessors, the jealousy of Greek emperors, to whom even Theodoric and his successors professed a
sort

sort of feudal deference,* was alarmed at the connection between the see of Rome and the churches of Gaul. Of the many instances of this jealousy I will but mention, that it was held suspicious even to give the pallium to a Gaulish primate, without the emperor's consent. From this some writers have inferred, that the pallium has been originally an *imperial* ornament, and was worn by the popes from a concession of the sovereign. The more natural inference would be, that as it was the badge of a high dignity, existing in the *Roman* empire, namely of a primatial dignity, it was feared, lest the establishment of the invaders of Gaul might gain a new title in the West, through a participation of that ecclesiastical importance, which the *pallium* denoted. I will mention also, that after Vigilius had been carried off to Constantinople, he was charged by Justinian, amongst other matters, with *writing into France*; that in the instructions from the church of Rome to the French ambassadors, it is mentioned, that Vigilius was forced to send into the Gauls a *false account of the dispute concerning the three great questions*: that the apprehension of a *Gothic* influence, was succeeded by the
fear

* By a sort of feudal deference I mean, that the friends and enemies of the emperor should be the same for Theodoric. That this latter should hold Italy and his conquests beyond it, as fiduciary for the empire. In other respects Rome was entirely imperial. It divided the consular authority with Constantinople; its senate was that of the emperor.

fear of *Gaulish* influence, and that the bishops of Rome observant of the duty of allegiance, beyond all that modern times would allow to be even rational, were harassed on account of this latter influence, by the most impious and contemptible sovereignty that ever existed; until human nature, in the name and by the organ of the men of Italy, abjured at once, the bad, fraudulent, and piratical authority of eastern lords.

The separation of governments, as well as the inferiority of cultivation in ancient Spain, (for as to the territorial division called Spain, Burgundy, or Gaul; in the new establishment, it is of no use in this place, unless to advert to the destruction of that principle, upon which *metropolitan sees* were privileged), combining with the predominance of Arian heresy, the most political of all former antichristian sects, had reduced the communication with Rome, as with a hostile country, to the most precarious and unsettled scale. However, even during that persecution, the ecclesiastical rules were derived from the authority of Rome, notwithstanding the influx from Africa, out of which the christian belief of the southern provinces of that country seems to have been derived, and notwithstanding the confluence of Greeks, of whose communication with Spain there are multiplied instances. The consequence of this alienation was the most deplorable ignorance of the Gospel, in the remoter tracts, of which the Spanish prelates themselves complain. This very
same

same church, so humbled, has yet obtained the **encomium** of *Columbanus* for its *adherence to ancient discipline* until the Moorish invasion. From the pontificate of Hilarus to that of Hormisda, it would appear, **that** no direct intercourse was allowed by the Goths **with** Italy. This latter pope through the medium of the **bishop** of Tarragona, revived the correspondence **between** Rome and Spain.*

In about seventy years after, the king of Spain, **Reccared**, brought over his nobles and Gothic bishops **from** Arianism. On this event pope Gregory I. imparted an apostolical vicarship to Leander of Seville, and certain instructions by Cyriacus the monk, of **which** the particulars are unknown.† The king also sent deputies to Rome with presents, and an account of **what** he had ordained. From the speech of this king, at the opening of the third council of Toledo, we learn, that the catholics, until his time, had been held in miserable slavery. After this conversion the Gothic line ruled in Spain, for less than a hundred and twenty years. Cinthila the king expelled the Romans, and made Spain an independent sovereignty, which he procured to be recognised in the fourth, fifth, and sixth councils of Toledo. From the year of the assembling of this last council, until the pontificate of Leo II. and the meeting of the thirteenth

2 L

council

* *Hormisda*, Epistol. 24, 25, 26. Labb. V. 1465, 1466, 1468.

† Epist. 125, 126. Lib. 7.

council of Toledo, which took place about thirty years before the Saracen invasion, we have not a single letter extant from popes to the Spanish churches or princes; so that either no communication was kept up, or it was carried on in such a manner as to elude the vigilance of the Greek tyrants.

In the sixteenth of Toledo, three bishops are *translated*, two of them metropolitans, *without any application*, says Thomassin, *to the bishop of Rome*. This, in his opinion, demonstrates, that *bishops in that synod considered themselves possessed of sufficient authority for the purpose*.^{*} Perhaps they did. But, in spite of their opinion, it is possible that they *had not sufficient authority*. It is possible, that the exercise of a power on *one* occasion, does not prove, that on *other* occasions much less that on *all* occasions the same power may be exercised. Those Toledo fathers, it is certain, *did* confirm the translations of three bishops. But they expressly declare, that they had translated them *canonically*, at the instance of the king.[†] They expressly declare also their adherence to the *Nicene decrees*, and these decrees *prohibit* translations. They must have known, that the bishops of Tarragona had formerly thought it necessary to seek the confirmation of pope Hilarius for the translation of a bishop, and that the request was denied. It remains then, either that their translation

^{*} De veteri, &c. p. 2, Lib. 2. ch. xix. §. 13.

[†] Tabb, VI. 1349.

lation was uncanonical, or that they or their king had had some understanding or agreement with the bishop of Rome, on the subject. The latter is improbable, and therefore the act was probably *uncanonical*. The ruin of their national church, which ensued not many years after this, has deprived us of any further documents, which could explain this seeming assumption.

But not even pope Zachary, writes Thomassin, in creating Boniface his vicar for life, delegates to the latter any authority for confirming metropolitans. And how can it be supposed, that popes would delegate a power over the metropolitans of Gaul, which they *themselves had never exercised*?

This is puerility, not argument. The popes might have *always delegated this power*, and thus have *never exercised it personally* with regard to the metropolitans of Gaul. Again, although the popes had never exercised, *until* the time of Zachary, the power of confirming individually and formally, yet the inconvenience arising from a former practice, and the impossibility of confirming all metropolitans in the new manner, would decide the see of Rome to impart to delegates that part of their duty, which unless through delegates they could not adequately discharge.

Let us now attend to the fact. Zachary, it is most certain, in enlarging during the life of Boniface his apostolical delegation, does merely, in general terms, appoint him to visit and correct according to the canons.*

nons.* Now, if it should appear, that by virtue of such commission, this very Boniface had *ordained metropolitans* in Gaul, and asked a *pallium* for each from the pope, what shall we think of the whole reasoning? In the very letter alluded to, these expressions stand foremost. “You have informed me in your letter, that with God’s help, and with the consent and by the authority of Carloman, you held a council and, suspended from office unworthy clergymen. You also state, that *you have ordained three archbishops*, in three chief cities, namely *Grimo in Rouen, Abel in Rheims, and Artbert in Sens*. The latter came to us, bearing letters from you, Carloman, and Pippin, desiring that we would address to them three *palliums*, which we have granted for the reuniting and reforming of the churches.”†

This papal letter was written *before* the year 800. It was not a mere function of *consecrating, sede vacante*, which Boniface had been empowered to execute

* Labb. VI. 1505.

† Ibid. 1504. Indicasti quod et Concilium, adjuvante Deo, Carlomanno præbente consensum et contestante, factum est; et qualiter falsos sacerdotes... a sacro munere suspendisti, et quia tres Archiepiscopos per singulas metropoles ordinasti, id est, Grimonem, &c. quæ et apud nos fuit, et tua nobis et Carlomanni et Pippini detulit scripta, per quæ suggestistis, ut tria pallia tribus prænominatis metropolitanis dirigere deberemus, quæ et largiti sumus pro adunatione et reformatione Ecclesiarum Christi.

cate; although even this would be in derogation of the alleged *fundamental liberty*: neither does the legate first ordain provincial bishops, and relinquish to them the ordination of their metropolitan. No; he enters at once into the ecclesiastical department, and gives a new institution and being to the metropolitan sees. He gives to metropolitans a new derivation of title, namely, through the name of *archbishop*, which did not rest on any ancient privileges of the see, nor upon any secular greatness of the city, but on the honour of apostolical primacy.* Through this mean, the

* As in the letter of Gregory III. Zachary's predecessor, to the same effect, constituting him *archbishop* without any fixed see. Epist. I. Labb. VI. 1468. Hinc jure tibi sacri pallii direximus manus, quod auctoritate Petri Apostoli auctoritate suscipiens induaris, atque inter *archiepiscopos* unus, Deo auctore, *præcipimus ut censearis*. It was owing to the renovation of *metropolitan*, by this communication of apostolical authority, that *Archbishop* came to be used for *Metropolitan*, generally in the West. In a record published by Garsias Loaisa (and inserted into Labb. V. 876) as of a Royal decree, promulgated by Wamba in A. D. 666, the metropolitan sees are termed *Archiepiscopal* in this manner, which certainly was not the received signification of the word, in the eleventh and twelfth centuries. "Hæc sunt sedes hæc sedes hispaniarum octoginta, sub Domino (read *dominio*) Gothorum, tam *archiepiscopales*, per quas nobis ministratur verbum Dei; quas Romano Pontifice accipiunt Communionem Catholicæ veritatis," (read *sedes*, namely, *auctoritatis*;) ut secundum traditionem et doctrinam sanctorum Patrum animas sibi commissas valeant gubernare. What probability to this document is, that, although it came out of the archives of the church of Toledo, yet no primacy over Spain is ascribed; as, in fact, the right of calling national councils was given

the principle of subordination and unity was established in all the newly converted kingdoms; and thus, even in the meaning attributed by *Columbanus* to *patriarchal* jurisdiction, the bishop of Rome became the *patriarch of the West*, of the *entire West*, or, if the title be more significant and intelligible, of the *entire western world*.

I will return to this subject, before I conclude my letter. But as the first Nicene council, and the *incontrovertible* authority of Rufinus have been repeatedly inculcated in opposition to this western *patriarchate* of Rome, I must dispatch both the council and authority in a tedious parenthesis.

We have the *incontrovertible* authority of *Columbanus* himself,* that the book called the ecclesiastical history of Rufinus, "was approved of by the pope "Gelasius I. and was appealed to as orthodox by "the second council of Nicea; was received, as "stated by Hincmar, into the *catalogue* of the apostolic see;" and Cyril in his epistle to the African bishops is also referred to.

I have seen, over and over and over again, all those authorities, and the reader shall hear of them. For the present, what is it, *Columbanus*, you would infer from the incontrovertible authority of *Rufinus*?

Is

given to that see in the twelfth synod of Toledo, some years after the supposed date of this edict. However, if genuine, it demonstrates, that there existed more than an intercourse between the churches of Spain and Rome, and that the Metropolitans received confirmation from the Pope, in some way or other.

* Fourth Letter, page 111, Note.

Is it not, that the *metropolitica*, which you confound with the *patriarchal* jurisdiction of Rome, did not extend above *one hundred miles* from the capital, in as much as the *vicarius urbis* could not take cognizance, beyond that distance ; and because as those provinces in the civil jurisdiction, were called *suburbicarian*, so, in order to express an *ecclesiastical* jurisdiction of the same extent, the term *suburbicarian* was employed by Rufinus in denoting the churches subordinate, not in virtue of Catholic supremacy, to the pope ?

Your argument was this, and your argument has been answered as to historical fact. You have been taught, that the diameter of what you call *suburbicarian* jurisdiction was not of *two* hundred; but of *seven* hundred miles ; so that if you complete the Circle by sweeping round the Italian and Sicilian sees, you have miscalculated by eleven twelfths of the surface contained. You ought to have learned, even from the confessions of Saint Augustine, that Simplician, the presbyter of Rome, was sent up to baptize the great Ambrose in Milan, and that he remained with the holy bishop, or *patriarch*, (if you will stand upon titles of your own gift,) as an instructor :* you have seen, that bishops of Rome did *confirm*, in the most formal manner, the election of Milanese bishops, as well as of your other *patriarchs* : so that if Rufinus did really assert what Saumaise, and

* Confession. Lib. 8, Cap. 1, 9.

and de Marca state, he would have dishonoured himself in the eyes of his contemporaries by seriously broaching an absurd lie, which is much more than recent authors could suffer, when they argued from scraps of etymology on a point of obsolete importance.

Did you read throughout, *Columbanus*, the version of the Nicene canons of Rufinus? Did you read his *original* translation? Suffer me to borrow, in an honest way, your triumphant interrogatory to bishop Poynter. You quoted the observations of Petau on Epiphanius, in *his edition of Cologne*, 1682, and you demanded with surprise, which in substance was a delicate sort of contempt for gross inerudition, whether the English *vicars*, meaning the vicars apostolical, *read the originals*.† It cannot be doubted that *you*, *Columbanus*, had read this *original* edition of Petau; but, really, considering that the man was *dead just thirty years*, before the republication of his observations at Cologne, those *vicars* might have been dealt with more sparingly, inasmuch as they had no opportunity of inspecting wonderful manuscripts.

We are then to try the sincerity of Rufinus in translating the canons of Nicea by what you have declared to be the *genuine* decrees; those, I must suppose which were sent from Constantinople and from Alexandria by Atticus and Cyril to Aurelius of Carthage and his synod. I will ask you here, whether you have read those *originals*, for two reasons: the first

* Columb. 4th letter, p. 22.

first, because I observe, from your manner of quoting, that you borrowed the quotation of *Cyrl. Epist. ad P. P. Afric. Concilior. T. 2. Col. 1148*, from some book published before Hardouin's edition, since which time the prior edition of Pere Labbe, to whom your reference corresponds, has always been expressly and distinctly quoted: secondly, because, in the Greek letter of Cyril, not a syllable nor iota of the genuine canons is given. The profession of faith is, indeed, subjoined to the letter from Atticus, but nothing else is extant, even in that genuine Greek of this letter. Now, prithee, *Columbanus*, to which of these letters did you refer, for the confirmation of the *incontrovertible* authority of Rufinus as to *Subarbian* churches?

Let us take it in this way. The genuine canons of Nicca shall be those Greek canons, which we have in all the editions; those, in short, which were translated by Dionysius, Isidore, and lastly by Heretus. In particular, the sixth canon, on which our controversy goes, shall, in the *genuine* text, be such as it was read from the archives of the church of Constantinople, in the sixteenth action of Chalcedon, in opposition to the representatives of Leo I.*

Let us begin with the first canon. Of this, Rufinus has given but the latter half, and while the canon universally speaks, *u di tis iynivnri izuloi izivri*, thus confirming the ancient rules, called the xx and xxi apostolical canons, Rufinus in order to save Origen, against whom that former canon had been

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enacted

* Labb. iv. p. 812.

enacted in the first instance, foists in, *Ne quis ex seipso*, *impatientia libidinis*.

Let us now to the penultimate canon in *Rufin*. The Greek text speaks of *Paulianists*. *Rufin* abridges that prolix canon in these seven words: “*Et ut Paulianistæ, qui sunt Photiniani, rebaptizentur.*” Pray, *Columbanus*, was the *Photinian* here in being and condemned in the time of the council of *Nicea*?

The last genuine canon at *Nicea* is against kneeling on the Lord’s day; and *Columbanus* knows well, that in that age, genuflexion being a penitential observance, it was thought fit to interdict this expression of mourning in honour to the Saviour’s resurrection. Pray, *Columbanus*, what has become of this canon in your *incontrovertible* voucher?

These few instances were enough, in all reason, to raise a doubt as to the scrupulous accuracy of *Rufin* in rendering those canons. But his interpretation of that, which I am about to give, is so grossly ignorant, that it places our *incontrovertible* below the footstool of the meanest translator. “Canon the eighth” in the Greek.* “Concerning those, who occasionally

* Περὶ τῶν ονομαζομένων μὴ ταύτης καθαρῆς ποτε, προσερχομένων τῇ καθολικῇ ἐκκλησίᾳ, ἰδοὺς τὴν ἁγίαν καὶ μεγάλην ζήτησιν, ἡ χριστιανικὴ αὐτῆς μὴτις ὥς ἐν τῷ κληρῷ. πρὸ πάντων δὲ ἐν ἀμολογεῖσθαι αὐτῆς ἐγγράφως προσελθὶν, εἰς συνθήσονται καὶ ἀκολουθεῖν τοῖς τῆς καθολικῆς καὶ ἀποστολικῆς ἐκκλησίας δόγμασι τὰ ἐν καὶ δόγματι καπονοῖν, καὶ τοῖς ἐν τῷ δόγματι παραπτώμασιν, εἴπω καὶ χρῆσθαι τιτανταὶ καὶ χρεῖς ὄρεται, ὥς αὐτῆς ἀπολυθῶν ἐν πᾶσι τοῖς δόγμασι τῇ καθολικῇ

“ Occasionally stile themselves Cathari, if they be-
 “ came proselytes to the Catholic church, it is decreed
 “ by this sacred and great council, that receiving
 “ imposition of hands ” (i. e. confirmation,) “ if of the
 “ clergy, without further process they shall remain
 “ such. But previously to all, they are to *confess in*
 “ *writing* their agreement and conformity to the
 “ decrees of the Catholic church; *that is to say,*
 “ *that*

καθολικῆς ἐκκλησίας ἴδω μιν ὅτι πάντες ἐστίναι καθάραι, εἴτε ἐν πολλοῖσι αὐτῶν
 ποσὶν θεωροῦσι χειροτονηθέντας, δι' ἐννομεύμενοι ἐν τῷ πληρῷ ἐσθ' αἱ ἐν τῷ αὐτῷ
 σχηματι. καὶ διὰ τὴν καθολικῆς ἐκκλησίας ἐπίσκοπος ἢ πρεσβύτερος οὗτος
 προτερχόμενος οὖτος. προῶλον ὡς ἂν μὴ ἐπίσκοπος τῆς ἐκκλησίας ἔξῃ τοῦ αξιώμα-
 τοσιν οὐκ ὄντων, εἰδὶ σωμαζόμενος παρὰ τοῖς λειτουργοῖς καθαροῖς ἐπίσκοπος, τῇ
 τῷ πρεσβύτερος τιμῇ ἔξῃ ἢ ἢ μὴ ἀρὰ δοῦναι τῷ ἐπίσκοπῳ τῆς τιμῆς τῷ
 σφραγιστῇ αὐτῷ μετιχίον. καὶ διὰ τοῦτο αὐτῷ μὴ ἀρῆσαι, ἐπινοήσῃ τοιοῦτο ἢ
 χωρεῖται οὐκ ὄντων ἢ ὡς πρεσβύτερος, ὅτι τῷ ἐν ἐκκλησίᾳ οὐκ ὄντων ἵνα μὴ ἐστὶν
 πάλαι δοῦναι ἐπίσκοπῳ οὐκ ὄντων. Isidore, or whoever made up the compilation
 which Isidore uttered, has, like *Rufinus*, take *χειροτονίαν* for
receiving ordination. Now, at the time of the council of Nicea,
 there was no more an idea of giving a new ordination to schis-
 matics deriving under a contested election, than there had been
 in the council of Rome under Miltiades, of re-ordaining Donatist
 bishops. The council of Nicea, in its letter to the church
 of Alexandria, requires the clergy ordained by Meletius to
 be reordained, but, in this very letter, it marks the dis-
 tinction between *χειροτονία*, which was a general term, and
χειροθεσία. The council decrees, that those who had had
 ordination from Meletius, should be admitted to communion, and
 to the exercise of their functions, *μνησκοντες ἀχειροτονίᾳ βιβαιομένους*;
 and that Meletius himself shall neither *ordain* nor *perform imposition*
of hands, *μηδὲ χειροτονῆσαι. μηδὲ χειροτονίᾳ βιβαιομένους ἰχθῶτα.*

“ *that they hold communion with persons twice re-*
 “ *ried, and with those who had fallen in persecut-*
 “ *Concerning these Cathari a time and season*
 “ *been defined, for their conforming to the decre-*
 “ *of the Catholic church. Wheresoever it shall be*
 “ *pen either in vills or in cities, that the only persons*
 “ *there ordained shall be of this description, those*
 “ *clerical rank shall preserve their rank as before.*
 “ *But wherever there is a Catholic bishop or presbyter*
 “ *and such persons come over, it is provided unequal-*
 “ *vocally, that the Catholic bishop shall hold as the*
 “ *bishop, the first rank; the titular bishop, among*
 “ *the Cathari, shall possess the dignity of a pres-*
 “ *byter, unless the bishop should think it right to*
 “ *share with him the honour of his title: if he should*
 “ *not so please, he will contrive for him a place*
 “ *either of a Chorepiscopus or a presbyter, (so as that*
 “ *this latter by all means may have the estimation*
 “ *a clergyman), lest in one and the same city there*
 “ *should be two bishops,” i. e. independent and*
 “ *supreme ecclesiastical governors.*

This canon distinctly provides concerning the C
 thari, first, that, when reconciling themselves to
 Catholic church, they shall *not* be subjected to
 nance, a certain time being prefixed for the in
 gences declared herein: second, that their cle
 having received *imposition of hands*, (which, exclu
 of penance, herein distinctly excluded, and of
 ordina

ordination, which is out of the question, meant solely reconciliation and confirmation by the church,*) should without further process, continue in their several estates; but, before reconciliation, should especially abjure their schismatical tenets in writing: third, that if in any *vill*, the *only presbyter* had been a Novatian; if in any city, the *only bishop* were a Novatian, no other bishop or priest should be appointed for the original Catholics of those places: fourth, that if in a city there should have been a Catholic as well as a Novatian bishop, the latter should resign his pretensions to the stile and prerogatives of a chief governor, the Catholic prelate being however allowed to share with him the titular dignity; and otherwise being obliged to make out a presbytership in a *vill*, or the employment of a Chorepiscopus over many *vills*; lest by the refusal of the Catholic bishop to do either, one city should be found with two persons, rivals of each other, in the claim to episcopacy. Attend now to the doleful massacre, which the irrefragable Rufinus has committed on this canon.

Canon IX. "Decreed also, that the Cathari, if, as
 " *penitents they should be converted to the church,*
 " *after a confession of the church doctrines,* should be
 " *received in their rank; but, after ordination given,*
 " *if their bishop should come to our bishop,* that the
 " *former must sit in the class of the presbyters; while*
 " the

* See note B, at the end of this Letter.

“ the name of bishop shall abide with him alone
 “ whoever held the Catholic faith, unless willingly
 “ he exalt the other with the title: or if he please to
 “ seek out for him a vacant see, he is authorised to
 “ do even this. Canon x. Decreed, that there shall
 “ not be two bishops in one city.”*

Is not the authority of such a translator to be most highly respected? Shall I look over the other canons? for I confess I have taken notes of his insincerity. You will insist on my coming to the sixth, that regards the *patriarchate of the West* and the *suburbicarian* churches. I shall do so.

The sixth canon, according to the version of Rufinus, was this; “ Decreed also, that the ancient custom be preserved at Alexandria and in the city of Rome that as well the former person have the charge of the churches of Egypt, as the latter of the churches which are suburbicarian.”† If any meaning can

* Rufini Can. ix. Et catharos, si forte poenitentes ad ecclesiam revertantur, confessos ecclesiastica dogmata clericos ordine quidem suscipi debere. Sed ordinatione data, sane si episcopus ipse veniat ad episcopum nostrum, debere eum in presbyterorum locum sedere; episcopi vero nomen manere apud illum solum, qui Catholicam semper tenuit fidem, nisi sua voluntate ipse cum tali nomine honorare voluerit: vel si placuerit, ut quærat ei episcopi locum eandem, hoc sit in ipsius potestate. Canon x. Et ne in una civitate duo episcopi sint.

† Et ut apud Alexandriam, et in urbe Roma vetusta consuetudo servetur, ut vel ille (without any one referred to), Ægypti, vel hic suburbicariarum

be collected out of this ungrammatical and incoherent phrase, does it not assert, that it was *decreed* at Nicea, that some person in Rome should continue to hold the charge of those suburbicarian churches? Now what does the Greek text, as read at Chalcedon declare? "Let the immemorial usages prevail, which exist in Egypt; so that the bishop of Alexandria shall have general authority there, because such is the usage with the bishop in Rome."* To this enactment the Greek adds a decree concerning Antioch which is entirely left out by Rufinus; and another of the necessary consent of each metropolitan to the ordination of bishops within his province, which Rufinus has parcelled out between his fourth and seventh canons.

From the Greek it appears, first, that *no confirmation* was given, at Nicea, to the usage of the church of Rome: that on the contrary, the usage of Alexandria was confirmed, because it had the authority of Roman usage

bicariarum ecclesiarum sollicitudinem gerat. It is scarcely worth the while to observe, that *Ægypti* is probably a false reading for *episcopos*, that has disappeared from the text: in this supposition both *Alexandria* and *Rome* would have *suburbicarian* churches.

* τα αρχαια εθι κραταιω τα κατὰ Αιγυπτὸν (common edit. τα ἐν Αιγυπτῷ καὶ Αἰθίῳ, Gelasius Αἰθιοπίας, καὶ Περσέσσι) ὥς τιν Αλεξανδρίας (Gelas. ἐν Αλεξανδρίᾳ) ἐπὶ σπουδῇ πάντων (Comm. Ed. & Gelasius add τῶν) ἐκείνης τῆς ἐκκλησίας, οὕτως καὶ τῶ ἐν Ῥώμῃ ἐπισκόπῳ ἰσχύος ἐστίν. The common reading πάντων τῶν ἐκκλ. ε. τ. λ. signifies throughout all these districts.

usage. Secondly, it is equally plain, that no boundaries are either marked, or alluded to, within which the Roman bishop exercised that general authority, which the fathers had in view. Therefore the version of Rufinus, as to the former of these points is fallacious; and in the latter is arbitrary, if *suburbicarian* have been used by him to define a certain space; and if by that certain space was intended a circle described at the distance of one hundred miles, the version would be not only false but ridiculous, or merit, perhaps, a harsher epithet.

Is it true, however, that *suburbicarian churches* were the churches, within the limits of the civil jurisdiction of the *vicarius urbis*, "which are defined by the *Notitia*, and of which the limits may be circumscribed by a radius of one hundred miles?" I fear some little mistake has crept in here also. The *præfectus urbis*, we all knew, had not any power of cognizance beyond that distance, as appears from Ulpian on the appointment of Chilo by Septimius Severus.* As to the *vicarius urbis*, it appears from *this very notitia*, that

* De Offic. P. V. ff. L. I. §. xii. 4. Ulpian. Si quid intra C. Milium admissum sit, ad P. V. pertinet; si ultra ipsum lapidem, egressus est præfecti notionem. The reason of this contracted sphere of power appears to be derived from the antiquity of the office, which formerly comprehended the entire of those districts enjoying the Roman law. Quotiens proficiscuntur Magistratus, unus relinquitur qui jus dicat. Is vocatur P. V. qui præfectus olim constituebatur; postea vero Latinarum feriarum causa introductum est, ut quotannis observaretur. Pomponius in Enchirid.

is jurisdiction extended over Sicily, Corsica, and Sardinia, as well as the southern extremities of Italy. By what authority *Columbanus* has made the prefect and the vicarius interchange their powers, I dare not ask. But I would consider it unfair to charge upon *Rufinus* a blunder, of which he could not possibly have been guilty.

It is somewhat curious to observe, how this piece of bad Latin has been worked up, and cried up, in order to vex the pope of Rome. Gothofred, who first broached this *suburbicarian* discovery, took some pains to assure the learned world, that *Rufinus* was a perfect master of the most elegant Latin; though *Rufinus* himself acknowledges, and his works bear ample testimony to his confession, that his stock was poor enough. After his encomium of *Rufinus*, Gothofred proceeded to argue, that *suburbicarian* was elegantly used by *Rufinus* to denote the district of the city prefect; then, it being undoubted, that the city prefecture did not trespass beyond one hundred miles from Rome, it was evident, from the authority of *Rufinus*, that in the fourth century, the pope's jurisdiction had the very same limits. Sirmond, in answer to this charlatan, demonstrated, that the term *suburbicarian* was introduced, when the office of *vicarius urbicus* was created, and was applied to quite other districts than those of the city prefecture. Saumaise came to the aid of Gothofred, but without doing him service. He boldly maintained, that the bishop of Milan was a *patriarch*; that the bishop of

Justiniana Prima was another *patriarch*; was *dalized*, that Sirmond should employ the author Greek *schismatics* to establish the patriarchate of the West, whereas the bishop of Rome was head of the catholic church; and said nothing more to the purpose. Neither of these writers, however, had the presence of mind of *Columbanus* to allow, that *suburbicarian* applied to the territory of the *vicarius urbicus*, and, in the same breath, to maintain that this jurisdiction was circumscribed by a radius of one hundred miles; and less to cite the *notitia* as favouring that paradox.

Columbanus, you will grant, has argued incorrectly; but you will expect, that, after shewing the jurisdiction of the bishop of Rome to have extended beyond that of the prefect; that besides proving it have reached the islands, as did that of the *Vicarius*. I should over and above make it palpable, that *suburbicarian* churches, in the meaning of *Rufinus*, were not the churches situated within the precincts of imperial authority.

As to that point, it shall be settled at once. The Nicene canon wills, that immemorial usage be guarded: it vindicates, as such, the prerogatives of Alexandria: and by what test does it examine the prerogatives? By the usage of the see of Rome. Consequently the usage of this latter was for ever. Nicene fathers, *immemorial*, beyond all exception. Now, when was the office of the *vicarius urbicus* instituted and by whom? In that very fourth cent

and by the very Constantine who was present in the Nicene council. It was Constantine who created deputies in Italy, for the office of the *Præfectus Prætorio*, the deputy in the capital or *vicarius urbicus*, the other for the northern parts of Italy, and called the *vicarius Italiae*. Therefore, either the *immemorial usage* of the bishops of Rome, with regard to *suburbicarian* churches, is not to be explained according to the novel division of Italy by Constantine: or, if it is, the consequence will be, that the Emperor was so *devout* as to model the temporal administration of Italy according to the *old usages* of the *Roman church*, in propagating and settling the christian faith. This latter alternative is tolerably ridiculous.

The term, *suburbicarian*, did not at any time directly mean *subject to the vicarius urbicus*: it meant, generally, subordinate to a jurisdiction residing in Rome, which jurisdiction was exercised, in fact, by the *vicarius* living there. What then does *suburbicarian church* signify? Plainly a church subject to a *jurisdiction existing in Rome*, and the version of Rufinus amounts, after all, but to this: let the bishop of Alexandria continue to hold the superintendence of the Egyptian churches, and the bishop of Rome that of those churches which immemorially have acknowledged his jurisdiction, as deriving christianity from the see in that capital. Even in this unfair version, by Rufinus, no new right, no additional jurisdiction is pretended to be granted either to Alexandria

andria or to Rome, in the council. To mention in the canon the precise number of miles belonging to the ecclesiastical territory of Rome would have been impertinent to the purpose of those oriental fathers, if ever they could be supposed acquainted with all the mile-stones within the *circle*. They confirm to the one bishop a general authority, which they mark by natural boundaries. It is not to be supposed that in mentioning the other and more distant bishop, they would run to perches and poles, or that without the smallest necessity or colour, they would in the single instance of Rome, describe ecclesiastical jurisdiction by a reference to the *new*, rather than the established and old criterion of parent churches.

It is probable, writes Valesius, that by the council of Nicea, the entire of the West was recognized as the patriarchal diocese of the bishop of Rome. The Greeks, he adds, who are competent witnesses to the fact, agree in this point, although it is displeasing to the Romans. It is certain, I answer, that the popes have never accepted of the title of *patriarch of the West* from the Greeks, because, when so given, it was craftily applied to shut out the primacy of Rome from its visitatorial right over Constantinople; and because the popes have ever disclaimed deriving any authority, help, or privilege whatsoever, from the Nicene council to their own see. Yet the Nicene council may have taken notice of a *fact*, namely, that in the West there was a special authority exercised by the bishops of
Rome

Rome, without attempting to confirm that, which, at the time, was not disputed by any.

Columbanus in his angry effort to dispossess the pope of a *western patriarchate*, and to attain of gross ignorance all those who would thus stile him, urged, that *de Marca* clearly proves, that metropolitans were ordained in Gaul and Spain without any *patriarchal* interference, and without any consent or authority of Rome. I have said enough on the proposition, as supposed to be *de Marca's*. Yet while it is true, that *de Marca* shews from strong negative proofs, that no actual previous consent of the bishop of Rome was sought, for the ordination of metropolitans in Gaul, between the sixth and the ninth centuries, he most expressly declares the bishop of Rome to have been the *patriarch of the West* at the time of the Nicene council; and that besides his *ordinary patriarchate*, in which he ordained the greater number of the metropolitans of Italy, his care extended over all the *metropolitan sees of the West*.* *De Marca* is himself one of those ignorant men, who would dub the pope. He maintains, on the supposed authority of two of the novels, that the ordinary *patriarchal jurisdiction* of Rome was restricted to those bishops, whom the pope ordained, and therefore summoned to his council; inasmuch as the right of ordaining, and the right of calling to synods were essentially connected.

The

* *De Marca Concord. Lib. VI. §. 6. p. 187.*

The Novel cxxxvii. on which de Marca builds his argument, does not support it. In the first place, the novel alleged was made for the eastern empire: again, the term patriarch therein is constantly used for *ex-arch* or *primate*: lastly, Justinian does not merely require those bishops to meet their patriarch, *who are ordained by him*, but expressly adds, *and who ordain no bishops*: so that the purport of the regulation is not a *patriarchal* nor a *primatial synod*, but a stated *provincial synod*. I allow, that the right of ordaining and that of calling to the synod of the ordainer were essentially connected. From this I infer, that wherever there existed a right of calling to synod, and such right anterior to the council of Nicea; again, wherever there existed a right of directing bishops in distant countries to meet in their local synods, and to examine a given subject according to rules prescribed, or to subscribe to decrees sent out to them; the existence of these rights in an ancient see demonstrates, that there had originally been exercised an *ordaining* power over those distant tracts, of which the mere disuse cannot establish for the subordinate churches a title of independence.

This last-mentioned principle would be true in all cases, were the question to be determined on the general axioms of christian exterior government. If applied to the case of a prime ruling church, such as that of Rome is, above all other churches, it is a principle of common intuition. The authority of
episcopacy

episcopacy presupposes a *catholic* partnership. Vainly would a bishop either bless or absolve, or reconcile, unless he did so in the virtue of the catholic church; and most vainly and impiously would he affect this, if he were not able to prove himself a joint governor in that church, and that he was associated duly to that episcopal college, of which Peter is the chief, if Peter can be ascertained in his successors. By disuse, I acknowledge, a positive grant or privilege is waved: a custom springs up, first in supplement, next in derogation, and ultimately in apparent exclusion of a privilege: and such, I grant, might be the case of the ancient Gallican churches, if they had been originally christianized by Alexandria; which was not supreme even in times of peace; which was not that ocean, into which all rivers come again, when they have performed their fertilizing circuit of travel.

But, considering that the supposed Gallican privileges (if any customs of France were ever thought to be such, before the age of Hincmar of Rheims) had their origin from a parent church, which at the same time was the chief over all churches; considering that Gallican episcopacy derived its whole authority* from that primeval and indefeasible episcopacy which abided in the bishop of Rome; it is nonsense at the best, to pretend, that the particular church of Gaul (illustrious as it has been in its beginnings, in its restoration, and

most

* Alcimi Avit. Epistol. ad Faust. & Symmach.

most renowned as it has been in its recent struggle,) or that any church, similarly circumstanced, shall talk of *fundamental liberties*, to the exclusion of a parental right, kept evermore vigorous by a divine authority, as long as the continuing proof of original foundation survives. The distance of regions I will allow to be a fair argument for sufferance and for compromise, unless this distance be assumed as the title for a *birth-right of self-legislation*. The distinction of kingdoms, the jealousy of borderers, the fear of persecution, the repugnance of civil usages, the strangeness of tongue, the exaltation of national pride may afford motive for tolerance of the outward shew of a *domestic establishment of catholic religion*; which however bears on its forehead the stamp of falsity and decay. But although to every estate in the one catholic church there appertains essentially the sovereign right and the duty, in all ages, and paramount to all ecclesiastical canons, of saving itself from the dissolution of its life-giving properties; it is still a ground of christianity, that so soon as the persecution of men or the interdict of circumstances is removed or can be surmounted, nothing short of a free concession from the supreme authority in the church, can give catholic subsistence to the temporary and occasional *independence* of those churches, which had been anteriorly bound to the everlasting see, by the proximate title of *filiation*, as well as by the inevitable controul of *chief episcopacy* over all bishops. Within his own patriarchate

hate, at least, the pope has none to appeal to: he must therefore act as the executive authority of the church at large in making good his own local rights, which are the evidences of the gospel succession. If forced to yield them as patriarch, he will reclaim them pope.

I have not forgotten the occasion, from which I was led to amplify this principle. De Marca lays it down as a principle, that the two rights of *ordaining* and *calling a synod*, go together. I will not lose time in arching now, or in recollecting, how it is that de Marca vindicates a *patriarchate of the West*, in the fourth century, to the bishop of Rome, seeing that he explains to the *home jurisdiction* the sixth canon of Nicaea. The man was good; a tolerable civilian in latin stile, a smatterer in Greek, and a bishop twice translated at the recommendation of the court. He must have been most serious in his attachment to *ancient canons*. I think that the western *patriarchate* is moved not by any canons of general councils, but by cardinal facts. To demonstrate this I must degrade into a note, for which I ask your forgiveness, my refutation of the proofs advanced by *Columbanus*, of the *orthodox* and *incontrovertible authority* of Rufinus.* The note is long, but the text is shortened.

The

* The authority of Pope Gelasius is first to be examined, who, in enumerating authors, in part *good*, in part *bad*, expresses himself thus of Rufinus. "Item, Rufinus the monk published very many books of church proceedings, and explained some parts of scripture:

The first proof of a *western patriarchate* consists in an explanation of the terms; that there existed in the fourth

"but, whereas the holy Jerome has censured him in certain points, as to free will, we coincide in the opinion of the said Jerome not only concerning Rufinus, but concerning all others, whom he has blamed."

This is a strange way of adopting a book into the catalogue of the see of Rome. Gelasius refers to Saint Jerome. Let us see how Saint Jerome

adopts Rufinus. In *Epistol. Marcellæ*, he informs us, that in translating one work, the *επιτομή*, he had mutilated, interpolated, and trans-

formed; and terms his translation *infamous*. This observation occurs

to me from Sirmond's Annotation on Sidonius, Ep. 9. Lib. 2. I have

not time to recollect the other occasions on which Rufinus is adopted

by Saint Jerome, in language rather strong. Need we go farther

than this very council of *Nicaea*, of which the part, confirming the pri-

viliges of Antioch, is put out, and that at a time, when the bishop of

Jerusalem, the favourer of Pelagians, was attempting to encroach on

the rights of that apostolical see? Socrates also, in the beginning of

his second book, informs us that, trusting to the authority of Rufinus,

he had almost written out his history; but that on discovering how

much he had been led astray, by the inventions of Rufinus, he was re-

duced to compose his work anew: For other witnesses to the candour

of Rufinus, I give H. Valesius, John Le Clerc, and every editor of

ecclesiastical antiquities, who has named him, without taking part

in the *subulcarian* discovery. What makes it singularly whimsical

to disprove, as *Columbanus* has done, a *patriarchate* from the text of

Rufinus, and to prove the credit of Rufinus from the authority of

Gelasius, is, that this latter positively ridicules the pretensions of Acacius

as bishop of an imperial city, by asking whether *Ravenna*, *Milan*,

Treves, or *Sirmium* had ever raised their authority above the immemo-

rial level, in consequence of having been imperial stations. Epistol.

xiii. Labb. IV. 1207. *Risimus autem quod prærogativam voluit*

Acacio

Fourth century and before, a distinct authority in the Latin church; that this authority embraced all matters of discipline and ecclesiastical ordinations; that it was exercised by the bishop of Rome as the chief of those churches, which had been founded by the apostolic see: and that the west composed one college of bishops, subordinate to and joined with the bishop of Rome, as their *metropolitan*.

The proofs are negative, but final. Until the fourth century not a syllable is to be met with of any metropolitan power exercised in Italy, Spain, or the Gauls, or of any synod convened either as provincial or national, unless at Rome.*

Again,

Acacio comparari quia Episcopus fuit Regis Civitatis. Numquid apud Ravennam, apud Mediolanum, Sirmium, Treviros, multis temporibus non constitit Imperator? Numquidnam harum urbium sacerdotes, ultra mensuram sibi antiquitus deputatam, quippiam suis dignitatibus usurparunt?

As to the second council of Nicea, it never appealed to Rufinus in any manner. A passage was read from his history, translated into Greek, and preserved in the episcopal library of Constantinople. But no particular stress was laid on his authority, nor had the passage in question the most remote connection with any canon of the Nicene council. It would be most absurd to suppose, that whoever translated Rufinus into Greek, when giving the Nicene canons, would translate them out of the pretended translation by Rufinus, rather than exhibit the original phrase. But here again it happens unluckily that this second Nicene council, in which Rufinus was quoted, did imagine the catholic church at large to be represented by the patriarchs.

* Eusebius I. V. ch. 24, mentions the letter, τῆς ἐκτὸς Γαλλίας

πατριάρχης

Again, in arguing from the succession of bishops, as was repeatedly done from the second century, the succession of the church of Rome is alone pointed out in the West, from the age of Irenæus to that of Eusebius. Therefore during this period no metropolitan local authority was known in those regions. Even in Africa the earliest national synod pretended was of the third century.

In the synod of Turin, held at the close of the fourth century, when the bishops of Arles and Vienna contended for the primacy, reserved or supposed to be reserved, by the Nicene council, the cause was adjourned until *either should make out, by proof, that his see was metropolitan*. Siricius annulled this interdictory decree, and explained primacy to mean the right attached to an *apostolical*, or original and missionary bishopric. After the death of Saint Hilary Pope Leo declared, that Vienne had proved the metropolitan right to have been formerly shifting. The fact demonstrates, that no local primacy had existed before that age in the Gauls.

In

synodus de Episcopis parochiarum; which Valesius translates, "Of the churches of Gaul, over which Irenæus presided." Two words are wanting here; viz. *as bishop*; and it is to be remarked, that Eusebius pointedly distinguishes the *parochias* in Gaul, from the synodical meetings elsewhere. That after the death of Pothinus, no bishop remained in the Gauls, and that Irenæus was sent by the confessors to Eleutherius of Rome to be consecrated, see Massuet in *Disserat. prævis. secundæ*, p. lxxxi. lxxlii. lxxliii.

In the same age, Siricius, in his general decree for ~~the~~ churches of Spain, appoints as his deputy for ~~notifying~~ the decree throughout the provinces, Himerius of Tاراcona, as being the *senior bishop*. Of ~~course~~ there was no *national primate* at least in Spain, ~~the~~ seventy years after the Nicene council; and the decrees sent from Rome were the standard of discipline for those western churches.

The churches of Gaul, therefore, composed one *synod* with the churches of Italy even before the Nicene council.* The judgment of Rome, of the bishops of Italy, and of the *neighbouring bishops* was equivalent to the judgment of the *entire West*.†

After the Nicene council, the ecclesiastical acts of the papal synod were sent throughout the west; local councils were directed to be summoned, for the purpose of taking information of rules of discipline, as well as of assenting to doctrinal professions.

Not one of the first four general councils attempted to enact for the western church, in any point of ecclesiastical jurisdiction, or to circumscribe the authority of the bishop of Rome, or to intermeddle directly or indirectly with the organization of the western patriarchate. The fewness of bishops from the West in those

* Ex Epistol. Concil. Aquileiens. ad Episcopos Provinciarum Narbon.

† Vienna. prim. & sec. Gratias agimus, quod in fratribus, &c. omnium nobis presentiam vestram contulistis, simul *præcepta majorum sequentes*, Pondus addidistis sententiis nostris.

† In epistola Concil. Ital. ad Theodos. Imp. Labb. II. 1008.

those councils, at which however the deputies of the pope were presiding, is full evidence, that the discipline of the West was left to the settlement of its primitive. That Rome was for the West, what Alexandria was for Egypt, is plain, even from the identity of manner as to attending those general councils.

If then we are to gather any thing from the sixth canon of Nicea, as to a western patriarchate, it was not either to *suburbicarian* churches, or to a right of *ordaining* bishops, or *confirming metropolitans*, the council directed itself, when it reasoned from the practice of Rome to that of Alexandria; but to the superior jurisdiction of calling bishops together, of originating disciplinary laws, of speaking the foremost by words of *enactment* on questions of faith, and of regulating the conditions and requisites for holding *synods* in the church.

I must now prove this to have been meant by the *ἐκκλησιαστικὴ ἀρχή*, or *general authority*, of the sixth Nicene canon. My witness is of the fifth century, and is a provincial synod at Rome certifying an immemorial usage to the Orientals. "Once more we
 "are anxious to point out to you the *usage which*
 "evermore has prevailed in these our quarters.
 "Whenever bishops are assembled within Italy for
 "ecclesiastical causes, especially causes of faith, the
 "usage is retained, that the prelate, for the time being,
 "of the apostolical see, according to the charge ap-
 "pertaining to him of all the churches, shall order all,
 "as representing in one, the total of bishops of the
 "entire of Italy; and as being the head of all bishops
 in

of these words of the Redeemer to Peter, &c. reference to which words, the three hundred eighteen, convened in Nicea, yielded to the R church the *confirmation and authority*" (i. e. tion) "of (ecclesiastical) matters; *both of which*, succeeding bishops, until our age, continue to us."*

Bishop of Rome is here said to order *all*, as by representing *all the Bishops of the Entire of* This entire *of Italy* was, in fact, the entire of eastern Church, because the Bishops of the Gauls Africa formed a part of that Italian Synod. In ter from the Council of Aquileia, lately quoted, rds *Italian and neighbouring Bishops* are used as mous with the *Bishops of Italy and all the West*. Imperial Letter for the holding of a Synod at sia, the neighbouring *Bishops out of Italy* are only

bb, IV. 1125, 1126. Unde causa Antiochenæ Ecclesiæ apud B. a Apostolum collecti, rursum dilectioni vestræ morem qui *apud* res obtinuit properavimus indicare. Quotiens, *intra Italiam*, r ecclesiasticas causas, præcipue fidei, colliguntur Domini sacer- consuetudo retinetur, ut successor præsulum sedis apostolicæ ex in cunctorum *totius Italiae* sacerdotum, juxta sollicitudinem sibi n ecclesiarum competentem CUNCTA CONSTITUAT, qui caput est m; DOMINO ad B. Petrum Apostolum dicente: TU ES PETRUS, ER HANC PETRAM EDIFICABO ECCLESIAM MEAM, ET PORTÆ INFERI REVALEBUNT ADVERSUS EAM: Quam vocem *sequentes CCCX* et S. Patres apud Nicæam congregati, *confirmationem rerum atque* *idem sanctæ ecclesiæ Romanæ detulerunt: quam utramque usque ad* *en nostram* successiones omnes, Christi gratia præstante, custodi- A. D. 484.

only mentioned; yet Deputies from the Gauls and African Deputies are found sitting in the Council. So in the Synod of Rome under Pope Hilary were Gaulish and African Prelates. The Orientals, at great distance of time, adopted a term still more stricted than *Italy* for expressing the Western Patriarchate, namely *Romania*. But it is manifest, when the Roman Synod explained to the Orientals practice of Italian Councils, it was understood, that Italian Synod, for the Orientals, was the *Synod of West*; and the only point of doubt was, whether Pope appearing to act singly in the Cause of *Acac* and *Petr* of *Antioch*, had delivered the judgment the *Western Church*.

This *auctoritas* of the Roman Synod, or right originating decrees, extended even to the East. Pope Julius reminds the enemies of Athanasius :*

81

* Εἰς κατὰ τὴν ἐκκλησιαστικὴν κατὰ...γραφῆναι Πάστοις ἡμῶν, ὅπως παρὰ πάντων ὁρίσθαι τὰ δίκαια... ἀγωνίῃ ἐπὶ εὐχῇ καὶ ΠΡΟΤΕ γραφείσθαι ἡμῖν, καὶ ὅπως ἴδωμεν καὶ ὁρίσθαι τὰ δίκαια καὶ μὴν τὰ ταῦτων καὶ πισθῆναι ἐς τὸν ἐπισκοπὸν τὸν ἐκεῖ, εἰς ΠΡΟΣ ΤΗΝ ΕΝ ΤΑΥΤΑ ΕΚΚΛΗΣΙΑ ΓΡΑΦῆναι. No words can add to the clear demonstration, which this letter affords; first, that Julius, in reply to the orientals, who had proached the *western church* with interfering in their concerns, speaks as vindicating the *western church*: secondly, that he insists on the *superior right* of the *western church* to be made acquainted with the causes of apostolical sees: thirdly, that an *auctoritas* from the *West* was to precede: fourthly, that writing to the *church of Rome* was writing to the *West*: lastly, that the bishop of Rome had the authority to make the other *western* bishops write; and that all these points are of a usage anterior to the council of Nicaea, held but a few years before the pontificate of Sylvester.

the Pope justifies his writing to them in his own name, while delivering the judgment of *all the Bishops Italy and the Western Regions*, in the words already used in a former part of this letter. In the Council of Sardica, which preceded the Nicene Council, there is a strong allusion to the same prerogative. "Would God, our brother, it had been worth your while to be a party in this great Representation: *undoubtedly much severer sentence would have been pronounced.*"* In the Council of Chalcedon we find the proof, that it was the Egyptian practice. Dioscorus of Alexandria being deposed, the Egyptian Bishops protest, they cannot, without their chief, make any declaration concerning Faith: they appeal to Anatolius, who had been in the employment of Dioscorus, for the truth of their assertion; and propose that the Council should itself appoint a successor to Dioscorus, *after* as they will profess.

Looking over all the Synods held in Rome, whether the Bishops and Presbytery immediately subject to the Pope, or of the Prelates of Italy, or of a Western Council, the Pope uniformly *propounded and enacted*. The Synod for the absolution of Misenus, both the Bishops and Priests call upon Gelasius to exert the authority of Peter, which *was his*. In the Synod of

2 P

Gregory

Et utinam, frater carissime, ad hoc tantum spectaculum interesse i fecisses: profecto credimus, quia in eos severior fuisset sententia lata. In Epistol. Concil. Anclat. ad Silvestrum Ep. Urbis.

Gregory L. concerning the order of interring Popes, the formal sanction of each rule accompanies the proposal. "If any person contravene this *my* decree." So in the Council under Hilary: so also in the grand Lateran Council under Martin I.

I may forget, if I should defer the refutation of one of the *genuine* proofs of *Columbanus*, that the Priests of the second order were judges and pronounced sentence in Synods. The proof is derived from the following words of the Letter of Pope Siricius to Ambrose of Milan, concerning Jovinian. "Having convened the Presbytery, it was made out clearly that the writing was contrary to the Law Christian.—Whereupon one unanimous sentiment was raised from our presbyters, deacons, and the clergy, one and all, that Jovinian, &c. after being condemned by the divine authority and by *our* sentence, should evermore be banished from Catholic communion." Such is the text, as well as I am able to render it. *Columbanus* indeed has made it speak differently: by what course he has succeeded in this, I will not explain, unless in a note.* However, his good intentions and critical dexterity

* *Columban.* third letter, p. 134. note. "Pope Siricius says, that Jovinian's heresy was condemned by him, and by all his clergy of Rome, assembled in synod. Facto ergo presbyterio omnium nostrum tam presbyterorum et diaconorum, quam etiam totius cleri, unam scitote fuisse sententiam, ut Jovinianus & coeteri divina sententia et nostro iudicio in perpetuum damnati extra ecclesiam remanerent, Siricii P. P. Ep. 3, Tom. I. Collect, Hardouin. Col. 852." It would have been strange enough

dexterity are frustrated by a document, of which he did not take heed; by the reply of Saint Ambrose with his Bishops to the papal Letter, from which it comes

enough to Siricius to inform *Ambrose*, (who against the very emperors had signified himself in maintaining episcopal prerogative,) that he, *the Pope*, along with his *presbyters, deacons, lectors, and doorkeepers*, had pronounced sentence on Jovinian's heresy. *Columbanus* most adroitly makes those minor orders in the world, *clergy of Rome*; and this he does, while attempting to establish the right of the "second order of priests" to give judgment. I have had occasion so frequently to expose the unscrupulous artifices of *Columbanus* in calling upon ancient authorities, that I need not express my regret on this occasion, when I find him needing a quotation. His *facto presbyterio omnium nostrum tam presbyterorum*, and so forth, was well enough for the purpose of drawing the favourite inference, that the decree was common: yet, though I most willingly forgive his mistake, in supposing *una sententia* to be *one sentence*, whereas in latin, it is *one sentiment*, I will protest against the patchwork he has made of one authority, out of the fractional muster of these two following distinct periods, in the real text. "*Facto igitur presbyterio, constitit doctrinæ nostræ, idest christianæ legi esse contrariam: (sc. scripturam, not contraria, as edited) unde apostolicum decuti præceptum, quia aliter quam accepimus annuntiabant, omnium nostrum tam presbyterorum et diaconorum quam etiam totius cleri una assensata fuit sententia.*" The rest is as given by *Columbanus*. Again, I forgive *Columbanus* the adopting of the reading, *omnium nostrum*, of all, instead of *omnium nostrorum*, of all belonging to me: he is the more excusable in this respect, as he appears not to have read the reply of Saint Ambrose to this papal letter. But I must blame him for having given as Hardouin's text, *unam scilicet*; which is one of the readings thrown by Hardouin into the margin, and therefore discredited. The conjectural

comes out that Siricius, *presumptuously*, no doubt, called his own individual sentence, *our sentence*. The words of Saint Ambrose are these: "As concerning Jovini ~~an~~

conjectural readings on this passage are *nam scilicet, nam constat, and* by Holstenius, the pensioner of cardinal Barberini, *una lata fuit sententia*, which, of the three, is the most impudent.

The fact is, that unless *totius plebei* or *plebis* be restored in the place of *totius cleri*, there is no resource for saving the authenticity of ~~this~~ letter. In the Roman *presbyterium*, priests alone *could speak*; either to answer, or to join in acclamation, or to deprecate, or to petition. ~~The~~ deacons, grand as they were, had neither seat nor voice. ~~Sub-deacons~~, even in the age of saint Gregory, that is to say, in the sixth century, were not amongst the *honores* of the Roman church. And what ~~shall~~ we think of the ministerial inferior orders? Pope Gelasius, about a hundred years after Siricius, interdicted the usurpation of deacons to sit in the *presbyterium* during *ecclesiastical consultations*. All the Roman *presbyteria* extant most emphatically mark this distinction.

Lest it should be imagined, that in restoring *cleri* for *plebei*, in an ~~Isidorian~~ document, (and therefore tainted with the presumption, ~~that~~ attaches to every document edited by that scheming character,) I ~~have~~ relied upon a general prejudice rather than on special grounds, I ~~subjoin~~ here the words of an author, who wrote about forty years after the ~~supposed~~ date of this papal letter, and who gives a particular account of the condemnation of Jovinian, when returned to Rome under Anastasius, who succeeded Siricius in that year, which deprived the world of saint Ambrose. Hyginus de hæres. 82. *Jovinianiste a Joviniano... Contra hunc suscepit S. Ambrosius Mediolanen. Episcopus, qui edidit librum ad destruenda omnia commenta adinventionum* ~~et~~ *Quo lecto in media Romana, id est, ecclesia Lateranensi, una voce et populus Rom. et sacerdotes in eisdem Jovinianistis et ipso Joviniano* ~~et~~ *thema dixerunt, in ipso initio quadragesimæ, sancto Anastasio antea* ~~et~~ *Denique in ipsa authentica hebdomada paschæ inventi sunt epulantes, et*

peritum

“ Jovinian and the others, whom *thy* holiness hath sentenced, be pleased to understand, that by us they have been condemned, in conformity with *thy sentence*.”* That superlative, but ignorant *Aulicus Romanus*, AMBROSE, was not sufficiently enlightened to comprehend from the letter of Siricius, that *Presbyters, Deacons,*

porcorum carnibus trahentes convivia: ita ut *asnum porcum*, quem in mensa eorum invenerant, populi collo ejus (sc. Joviniani) suspendebant, et ita eum per totam civitatem facerent circuire. From this narrative it may be well inferred, that no previous condemnation of Jovinian by the see of Rome was known to the writer: again, that the *bishops* (sacerdotes) and *people* cursed Jovinian by *acclamation*, to which the *una sententia suscitata* literally corresponds.

I must add, before I have done, that in the letter said to be of Siricius, there is an allusion to the fact of the detection of Jovinian and his party in holy week. The demon of this heresy, writes Siricius, *crudelitibus pascitur*, abstinencia puniendus. This *crudelitibus* Hardouin would fain correct to *crudelitibus*, whereas *απολογιστος παχυς*, if we will so render it, is the very *arvina*, or food of gladiators. To conclude: in this supposed letter of Siricius, I must take notice of two passages more. 1. Nos enim nuptias non aspernanter accipimus, quibus *velamine* intersumus. The plain correction for *velamine* is, *vel amice*. 2. The words, *quis aliter quam accipimus annuntiabant*, is plainly taken from the *anathema* by saint Paul, and gives great probability to the account of Hyginus. In truth, there is not a phrase in this letter, to which, if supposed to have been from Siricius, I do not find objections. What is more, the answer to Siricius, which from its latinity, eloquence, and energy, challenges all suspicion, takes notice of points not even hinted at in the pretended letter, to which it is given as a reply.

* Domino dilectissimo fratri Siricio Ambrosius et ceteri... Itaque Jovinianum, Auxentium, Germinatorem, etc. quos *sanctitas tua* damnavit, scias apud nos quoque *secundum judicium tuum* esse damnatos. Libb. II. 1026.

cons, Acolythes, and Doorkeepers, were a fraction of the Pope's own Judicial self. Poor man! He resembled those Catholics, who, in times not favourable to explanation, misapprehended the orthodox drift of Elizabeth's headship in the Church; and who being so hanged and quartered, had all the merit of their simple faith, notwithstanding their error, as Columbanus is pleased to let us know.

When the practice of convening Synods in Italy was interrupted by invasion at the extremities of the Roman Empire, and by frequency of innovations on the Christian faith, the course was, that the Bishop of Rome ordered local Synods to be held, and appointed Bishops to convoke them. Now, with the exception of those Synods, held in the time of Ambrose, and when Pope Damasus was under false accusations, you will find that neither in Aquileia, nor at Milan, nor at Ravenna, a Synod on Faith was ever held. Yet *Columbanus* talks of such *Patriarchates* in Italy; although it was the very essence of *Patriarchal* Power to bear *causes of Faith*. In the Pelagian cause, I allow, a Gallican Council was held: but the confirmation of its Acts was demanded of the Pope. In the anarchy of Church tradition and Rules, induced by the successors of Constantine, and suggested by the crafty, bloody, forsworn, and abject Bishops of the Arian sect, local synods on points of faith had been compulsively assembled, and in unusual places: again, local Synods of orthodox Bishops convened themselves, as they

7 were well warranted to do, in vindication of the
 1 once canonized at Nicea. But, as to interpreta-
 of the faith, in cases of novel impression, I believe,
 no point is more evident, from the annals of Chris-
 ity. than that no local or National Synod, *without*
riarchal authority, presumed to interfere by decla-
 ry sanction. The very National Councils of Spain,
 24 carried the privileges, gained by jealousy of in-
 endence, by temporal ambition, and by consider-
 ignorance, to the *ultima linea* of arrogation, were
 tent to limit their doctrinal authority by the pro-
 ion of faith, as settled in General Councils, and as
 24ared by the Decretal Epistles of the Bishops of
 me. Such was the Church government until the
 11th century.

Of those Councils, ordered to assemble and to fol-
 17 the *auctoritas* of the Roman see, you have instances
 he Epistles of Leo to the Churches of Gaul and of
 17in; in the papal appointments of their Vicars for
 district of Thessalonica, for Gaul, and for Spain;
 he letters of Gelasius I., and in other documents
 17umerous, that it would be labouring in common
 20 to pursue them further.

If we will revert to propriety of Language, the
 17 ratified at Nicea for Alexandria, and taken no-
 of as exercised by the Bishop in Rome, is that
 ch I stated at the outset of my definition,—*an inde-*
alent and unfettered power. It is not the *supra* or au-
 17tic confirmation belonging to Metropolitan Sees ;

nor

nor the *ἐπισκοπή* guaranteed to Antioch, nor is it directly an *auctoritas*, but the original Principle of self-legislation, to which the *prerogativa*, or *auctoritas* was connected. In matters of Canonical arrangement, the Bishop of Rome was recognized independent, within the sphere unoccupied at the time by any other coeval authority. The occasion, which had called for the Nicene decree concerning Alexandria, was the usurping authority of Meletius, who not only had aimed at independence, but even established new Churches Episcopal, within his intended Metropolis. This usurpation was at once overthrown by the words of the sixth Canon: the whole of Egypt was restored to the authority of Alexandria. No man surely will differ from this act of restitution, that the Alexandrian Bishops, if they should afterwards judge it expedient to establish new, and even Metropolitan Sees within their Jurisdictions, were forbidden to do so.

Thus far of the Western Patriarchate, as existing in substance from the beginning of Christianity, and as exercised in that sphere, until the resuscitation of the Hierarchy of France by Boniface the Martyr. In going over this subject I have dissented with regret and with reverence from the opinion of Thomassin. If in the dissent there was boldness, it has been compensated by that humility, which led me to combat such an authority as that from Rufinus. With the former I have agreed, that the distant Churches of France, at a period more early than the fourth century, did hold the privilege

privilege of domestic Ordinations : but that no *recognition* of those ordinations, directly or indirectly, was **xpected** from or given by the Bishop of Rome, I **eny**, as neither proved nor susceptible of proof at this **ay**. I deny that at the epoch of the Nicene Council **ny** *Metropolitan* authority, such as that understood **n the** Nicene Canons, and referable to ancient *Missionary Sees*, was either firmly established or generally **ecognized** within the Churches of Gaul or of Spain.

allow, that from the end of the fourth century, when **he** *metropolitan* Right grew up to be something local **nd** real in the Gauls, until the seventh century, when **he** same Right was extinguished, no *confirmation* of **Metropolitans** was formally and immediately given by **he** Popes : but I have shown, that every purpose of *confirmation* was answered by the consideration, that **he** Laws of Election were the Laws of the See of Rome, and that the authority of this See guaranteed **y** anticipation, the Elections to **be** made unanimously **ccording** to its Rules. I have shown, that it must **ave** been a primary object of the Vicars apostolical, to superintend and examine Episcopal Ordinations. **I** withheld an express instance of this charge given by **Hilary**, the successor of Leo ; as I also forbore to **ention**, that every instance of Vicarship, bestowed by **Popes**, either expresses the devotion of the person **appointed**, to the established rules of the Fathers and **holy see**, or takes notice of the report made by the **Vicar**, of his own previous Canonical Election and

adherence to the great parental authority of the Church of Rome.

The principal truth I wished to impress was this; that the reason of Metropolitan establishments being either to preserve in lofty view the certainty of Episcopal succession, or to advance and guard the essential principle of Unity; whenever and where-soever this reason failed, the Metropolitan authority must have fluctuated necessarily and declined. Such was its fate in the West, notwithstanding the bold and vigorous efforts of Hincmar to fix the wheel of time. The provinces and provincial titles of the old Roman Empire were disappearing: new Kingdoms sprung up, and new centres were appointed for the residences of government: new and contrasted tribes of men were rushing into the *Ager Romanus*, and effacing all the antique landmarks. In this confusion of titles and imbecility of claims, 'the metropolitan dignity became an idle boast, or a mere cause of disquietude and faction, until its tottering dotage was propped up by the staff of the chief shepherd, and its spirit was revived by an infusion of that energy, against which the oblivious gates of death cannot be victorious. Thus a distinct and *formal* confirmation of metropolitan power was sought for and bestowed by the giving of the *pallium* to metropolitans indifferently, whereby its possessor acquired an indefeasible title to superior jurisdiction. Such was the state of the Hierarchy, when the eighth general synod was held; which also enacted, *in pursuance of the first Nicene council*, that metropolitans receiving
either

either ordination from their patriarch, or *confirmation by means of the pallium*, should attend his synods, when called upon.

But a new cause tended to hasten the assimilation of all the western churches. The gospel had been pushed forward in every direction. Great and barbarous nations were reclaimed, and were entitled to the hierarchical dignities, which could not be done unless by the participation of archiepiscopal or apostolical powers. In Spain, this authority was renewed by the popes alone: so in Portugal. By popes it was set up in England and Ireland; in Scotland long after; in Italy, Denmark, Sweden, Poland, Bohemia, Hungary, in the missionary conquests of Boniface. There exists not in Europe a metropolitan, not deriving through papal authority, any more than in the Philippines, or in Mexico, or at Goa, or in federal America.

Such being the estate and *optimum jus* of the Hierarchy; such being the sacred basis of all catholic government in the church, it is scarcely rational, and I doubt whether it be kindhearted, to seek to communicate the *influenza* of discontent and mutiny amongst Christians, by telling such stories, as that in Transalpine Gaul metropolitans were ordained, once upon a time, without any consent of the see of Rome: that the *right* of appointing bishops has reverted, or can revert, to the heads of Irish clans, as *its original proprietors*: that the pope, the successor of Peter, is, in the church, what *the Speaker is in the House of Commons*,

mous, a person appointed to preserve rules, but not *authorised to make any*. Such doctrines are not perfectly sober. Were it even exactly true, that when Peter was appointed, he was appointed in the way of a speaker to the *House of Commons* of the twelve apostles; that is to say, appointed *never to speak*, but when those *twelve* were subject to be called to order; it would have become the *philosophy* of *Columbanus*, who, for the sake of peace, has declared himself willing to submit to much *notwithstanding his own acquirements*, to pity an *erroneous* opinion, by the strength and might of which, the *western patriarchate* has been reclaimed to the *glorious Gospel*.

I remain, Reverend Sir,

&c.

NOTE A. to Page 172.

has been shown in the passage referred to, 1. that letter to Chrestus did not require, but merely authorised to take in his company *two certain persons* of his own choice; 2. that no bishop went to that council with *two presbyters*, and that but *four* bishops came even with a single presbyter; 3. that the letter to Chrestus was not encyclical, but special: it remains as a question of mere erudition (for the argument of *Columbanus* has been exploded), to see whether those *two certain persons* were meant to be *bishops*, or *priests*. Sirmond and Baronius are persuaded, that *bishops* were intended. Henry Valesius argues at length they were *priests*. It is possible, that Valesius has hit on the fact: but his arguments do not prove it to be such.

The first and second arguments state, that Optatus and Innocentius Hermianensis stile presbyters *secundi ordinis sacerdotes*; *priests of the second rank*. This I grant. His third argument,—that saint Jerome calls them *sacerdotes minoris gradus*; *priests of the lower degree*. This also I grant, and for the present merely say, that they prove nothing. His next argument is from the verses of saint Gregory of Nazianzum, wherein that saint expresses the violence used by his father and bishop, to make him a presbyter-priest, by *καμπτει βιαως εις τας θρονους της δευτερας*. The reason is, that Eusebius himself, in his oration delivered at the dedication of the church of Tyre, assigns the *thrones* of the altar to the *bishop* and *presbyters*, and the *benches* to the attending clergy. Again, Gregory of Nazianzum describes

cribes the *bishop* as seated on an *eminent throne*, the *presbyters* seated next him on *lower chairs*, and denotes *presbyters* by the words, *those who come next in rank* after the bishop. The other arguments of Valesius have no sort of connection with the subject.

If Valesius had recollected the following passage of saint Epiphanius, he would have abridged his work of inferences, and thought the matter finally settled. *Acrius*, in order to prove that bishops and priests are equal, used this argument. καθίσταται ἀπὸ τοῦ θρόνου ὁ ἐπίσκοπος· καθίσταται καὶ ὁ πρεσβύτερος. (Petau's edit. I. 908.)

Now to the arguments from saint Gregory. The expression of *second thrones*, whereby his station of presbyter is intimated, happens to fail in two essential points: *the one*, in arguing back from the age of saint Gregory, when christian religion was established in outward pomp, to the beginning of the half century, when christianity had but lately breathed after martyrdom: *the other*, in arguing on a poetical metaphor taken from *chariotceering*, and really a bad metaphor, as those of saint Gregory *in verse* happen usually to be. The line amounts to this, "he by main force" (like a rider) "made me turn into the second stands," where *θρονος* is plainly used for *διφρος*. Again, that Gregory describes the bishop as *seated above*, and presbyters as *seated below*, is true: but Valesius wisely avoided giving the Greek, in which this unfortunate *θρονος* or *throne* is not to be found. The question was not whether the presbyters were *seated*, but whether they were *seated on thrones*.

The

The argument from Eusebius would be decisive, if truly quoted. If Eusebius has called the seat of a presbyter, *θρονος*, the term should in fairness be also explained to this meaning, in his translation of the letter to Chrestus. At the same time, it should be remarked, that, in such abuse of the term, he would stand single, because *θρονος* was as exclusively the *bishop's chair*, as *ἐπιθρονισμος* was *episcopal installation*, or as *ἐπισκοπος* is *bishop*. The words of Eusebius are these: "In this temple are also *thrones*, and seats without number, and resting stools...But in the chief of all," (Paulinus of Tyre) "we may imagine that Christ resides entire: in those who rank *next after him*, in proportion as each can contain a share of the mightiness of Christ and of the holy spirit." Hist. Eccles. Lib. X. ch. iv. p. 386.

Such is the text, from which Valesius infers, that the *presbyters* had *thrones* near the altar. The inference is certainly precipitate, even supposing the passage to be solitary. Now what shall we say of the argument, if it should appear, that those *thrones* were *episcopal seats*, and that Eusebius himself declares them to be such in this very oration?

In the ecclesiastical district of Antioch, the first of the metropolitan sees was in the city of Tyre. Its title down to the ninth century was *πρωτοθρονος*, or *first throne*, so that even the other metropolitans ranked after it as *δευτεροθρονος*. Paulinus, the bishop of Tyre, and the friend of Eusebius, invites his brother *bishops* to the dedication of his church. A vast concourse of presbyters and laity attended the *Eucœnia*, and every one of the bishops, in turn, delivered a panegyrical discourse. Eusebius, when describing the apparatus of this metropolitan church, says, that the bishop

had

had fitted it out with the *thrones* aloft, for the dignity of the

prelates. ἑποροις τε τοις ἀνιστάτω εἰς τὴν ἰσὺν προεδρῶν τιμὴν κοσμήσας

Whether Eusebius by these *prelates* meant presbyters or *bishops*, will be sufficiently declared by a parallel quotation

from his second book, ch. 17. on the *Esseni* (p. 57) πρὸς

τοῖς γραφεῖς... καὶ τὰς ἐπὶ πᾶσιν ἀνωτάτω τῆς ἐπισκοπικῆς

ἱεροεδρίας. The *thrones* therefore built up in the church

were for the *bishops* subordinate to the metropolitan church

and their chief or Ἀρχων was Paulinus, the archbishop.

The argument of Acrius against episcopal superiority,

proves demonstratively, that in each church there was but

one *θρονος* or chair with a ὑποπόδιον. Acrius compares the

functions performed by the *bishop*, and of which, in the

age, the *bishop* was the ordinary minister, with the functions

performed by the *presbyter*, in the *bishop's absence*.

The *bishop*, says Acrius, imposes hands; so does the *pres-*

byter: the *bishop* baptizes; so does the *presbyter*: the

bishop takes his seat on the *throne*; so does the *presbyter* —

The argument from Optatus and Facundus, that *presby-*

ters are termed priests of the second rank, *secundi ordinis*,

is strangely impertinent. *Deacons* are also called *ter-*

ordinis sacerdotes; would this justify a translator from

Greek to render τῶν ἐκ τῆς ἰσῆς θρονῶν by *deacons*? No man

has ever denied, that *presbyters* are priests of the *second*

rank, or *lower* degree.

The arguments of Valesius, thus closely inspected, ap-

pear to have little weight. On the other hand, there is a

double probability (exclusive of the appropriation of the

term), in favour of the opinion, that *bishops* were meant by

Constantine

stantine. First, the council of Arles was obtained by *ex-parte* application to the emperor: and in Africa the *same sedes* were literally *πρωτοθρονος*, and all junior bishops were *δευτεροθρονος*. It is probable, at the same time, that the emperor, from the fact that Syracuse was the *civil metropolis*, imagined Chrestus to be necessarily a metropolitan; perhaps he knew him to be in that island the senior bishop. The second probability is derived from the words of the letter itself, "Whereas I have summoned a *vast number of bishops*, &c." But an argument higher than probability is derived from the after practice of summoning the councils of Ephesus and Chalcedon, the former of which was held in the century following. The letter of summons went to the *metropolitan*, as we have seen.

NOTE B. to Page 269.

The peculiar term for *ordination*, as now understood, was as regarding the function performed by *bishops* over the *clergy* was *χρυσμα*. Canon Apostol. 1. 2. 27. 34. 35. 77. Concil. Ancyrr. 10. 13. In this first Nicene council, Can. 4. 15. 16. In the last of these Canons it is contrasted to *invalid* ordination. So in Concil. Laodic. Can. 5. in the *Greek*; so 4 in the *Latin*. So in the first of Constantin. Can. 4, and in the letter to the Western bishops, concerning the ordination of Nectarius. So in Constitut. Apostol. Lib. 3. Chap. x Lib. 7. Ch. xlvi, and throughout the whole of the 8th book. On the other hand, *χρυσμα* occurs twice only in these Nicene Canons, viz. concerning the Novatians, and in Can. 12, where the *χρυσμα* of any foreign *clergyman*, in a church, without the consent of that bishop, *whose clergyman he had been*, is declared null. Here *χρυσμα* is plainly *naturalization*, or *incardination*, not *ordination*. In short *χρυσμα* signified indifferently the blessing of admission or reconciliation of penitents, Catechumens, Neophytes, and Clergymen. In the Constitut. Apostol. Lib. 8, cap. 30 you have the formula of the *morning χρυσμα*, which was in fact, the blessing of the congregation by prayer. This would save Rufinus, if possible, from the disgrace of an error, which appears the more inexcusable, as it went in contradiction to the notorious usage of the Catholic church in his age (Siricii P. P. Ep. ad Himerium Tarraconens. Whatever the MS. in the Bodleian may pretend, the text may

re been *oratione* data ; in English, by giving *bene-*
o the Novatians. In *vita Vigilii P. P.* when this
 as arrested and carried to the ship from the church
 Cecilia, the crowd and people followed him, accla-
 ut *orationem* ab eo acciperent, *crying out that he*
give them the benediction ; dataque oratione respondit
populus. Amen. Still there will be difficulties re-
 ; : first, that the idiom of the *sixth* century is not a
 rrrant even for the fact, that these Canons were trans-
 7 Rufinus in the *fourth* ; secondly, that *dare ora-*
 was not that sort of benediction, which Siricius de-
 as *per invocationem septiformis spiritus, episcopalis*
npositione.

LETTER

LETTER VIII,

On Episcopal Authority, from the Apostolic Age to the Reign of Constantine. On Patriarchal Churches. What is the dignity of Presbyters.

REVEREND SIR,

I promised, and I recollect the pledge with a most irksome feeling, that I would resume the discussion of the right of “the second order” to *judge* in councils, from the higher period of the apostolic age, and thenceforward to the fourth century. The *council of Jerusalem* cannot, indeed, be passed over; that “*first of councils*,”* says *Columbanus*, “and the *model for all the rest*, according to *Fleury* ;”—that “*third of apostolical synods*” says *Columbanus* again,† “for
abolishing

* *Columbanus*, third letter, p. 22.

† Fourth letter, p. 54.

“*abolishing circumcision:*” that council, on which Bishop Poynter took *Columbanus* very much by surprise, and drove him to run to the *late Militia Act*; to pit Irish honesty against all the *fine* virtues of all the *fine* nations of the globe,* and to discover on the Bishop, that he had *shaken hands* with him, at the funeral office of the *Senor Duque D’Albuquerque*, although *privately* employed in writing against his *third* letter.

“When the question,” says *Columbanus*, “was agitated in *Asia*,† whether circumcision, which was a divine ordinance, *should be abrogated*, Paul and Barnabas were deputed, not to an *exclusive* synod, but to consult the apostles and *priests*, and the apostles and *priests* came together to consider of this matter; and after there had been much *disputation*, the final decision was made by the apostles and *priests*; and the letter to the Asiatics was written in the *name of both*. (Acts xv. 2, 6, 7, 19, the Doway translation *very properly* translates *presbyteros*, *priests*.)”

In opposition to this statement, bishop Poynter ‡ appealed to the *New Testament*; wherein the letter alluded to is recorded, bearing title “the apostles, presbyters, and brethren,” and “therefore,” adds doctor Poynter, “even supposing *presbyters* to mean *priests*,

‡ *Columbanus*, fourth letter, p. 28. † *Columb.* Letter 3, p. 21.

‡ *Theological Examination*, p. 34.

"priests, if *Columbanus* contends, from the names in
 "the letter, that all those named set as judges by
 "divine right, he must allow this right to the laity
 "also." A very fool might have seen, that *Colum-*
banus had taken a false step, when he relied on the
 letter being written in the name of both. If *Colum-*
banus had had common reflection, he would have sur-
 rendered this argument as untenable, and have re-
 treated to some stronger point. What does he? He
 cries out, "*miserable resource!*" and tells you, that
 "he had argued from the dispute being referred to
 "the apostles and *priests*," (i. e. presbyters) "verse
 "2, and from the apostles and *priests* coming toge-
 "ther, to discuss and judge of it, v. 4;" (*Columba-*
mus prudently foists in *judging*; although, in the ar-
 gument, which bishop Poynter took up, *Columbanus*
 had called it *disputation*; which is in scripture, but
judging is not in the passage quoted;) "whereas doc-
 "tor Poynter flies to verse 23, where he finds, that
 "the letter was written after the discussion and deci-
 "sion, in the name of the whole church."*

Now, *Columbanus*, it would not be fair, that you
 escaped with this. You had relied on the letter be-
 ing written in the name of both: you had quoted, only
 two pages before this very bad retort, some phrases of
 Bellarmine, of which you should have availed your-
 self prudently; especially where he informed you,

* *Columban. Letter the fourth, p. 49.*

that Paul and his companions, during their apostolical tour, “gave to” the faithful to be observed the dog-
 “mata adjudged by the apostles and presbyters.”
 Whether this happened from your not exactly know-
 ing, that the words quoted by Bellarmine from the
 vulgate, “quæ decreta erant,” are in the Greek, *the*
~~things~~ *adjudged*, or whether you fancied the *seniores*
 in the vulgate would not look well, if translated
~~priests~~, although those *seniores*, or senators, are the
 very *presbyteri*, whom you will have *priests*, as an ar-
 ticle of faith; you must not get away with saying,
 that the Bishop flies off to that verse, which mentions
 the letter to have been written in the name of the
 whole church, after the discussion and decision.

I allow, that the letter, promulgating the decision,
 was, very naturally, written after the decision com-
 pleted; but I see more in the letter itself than the
 introduction of the laity in the twenty-third verse.
 There is also a twenty-fifth and a twenty-eighth verse
 in the same chapter and letter. The former, “we
 being assembled together, have agreed to appoint
 and depute persons to you, in company with our
 most dear Barnabas and Paul:” the latter, “for
 it hath been decreed by the holy spirit, and by us,
 the apostles, presbyters, and laity,) “not to impose
 any

* In the vulgate Acts, xvi. 4. Tradebant eis custodire dogmata

decreta erant ab Apostolis et senioribus qui erant Hierosolymis.

ὡς δὲ οἱ αἱρεῖς φυλάσσειν τὰ δόγματα τὰ κεκρίματα ὑπὸ τοῦ πνεύματος καὶ

πρεσβυτέρων τῶν ἐν Ἱερουσαλὴμ

“any burden on you, more than these *things*.” How, in the name of wonder, be eluded by *Columbanus*? The letter was *after the discussion*, no doubt: but the letter *truth*; and, therefore, *apostles, presbyters, as did decree*. How nimbly the author of the *l'étude*, and *Columbanus*, can jump over *these* and how manfully they take their stand at the *teri*! This council is the *model of all councils* they. Why so? Because they see *presbyter* tioned, and *presbyters must be priests*. The *terian* will see *brethren* also in the letter. *Tr* *Columbanus*, but the letter was written *after* ment. Granted: but, if so, it must, therefore been penned with the consent of *the apostles* could *apostles* have been capable of writing, decree was *common*, if really confined to the and to the *presbyteri*? *Columbanus* will do mistrust his guide of the *Traité*. The subj has taken up so very confidently, had exercised almost three centuries, the ingenuity of the species; yet he enters the lists, as unfurnished knowledge of the subject, as if his bald and head quotations were just fallen out of the sky.

Bishop Poynter also contested the point, *by Columbanus*: namely, that the *presbyteri* in were priests “of the second order;” for “*ter*” “*presbyteri*,” he observes, “is applied to *Bis*” “several passages of the new Testament

"John I. Pet. I. C. ult. 1): again, if these *presbyteri* were not *bishops*, it would follow, that *no* *bishops* sat with the apostles in this council, which *is* very improbable."* *Columbanus* terms this a mode of trifling with the sacred text;† because, "if *presbyteri* be rendered *bishops*, the text is nonsense; *for* it will run thus: Paul and Barnabas were sent *up* to the *bishops* and *bishops*—and they were received by the *bishops* and *bishops*: and finally, the *bishops* and *bishops* decreed, &c."

Not so, *Columbanus*. You weigh the argument in double scales. The words of the text are *apostles* and *presbyters*: the Bishop contended, that *presbyters* were most probably *bishops*, and thus you were justified in substituting *bishop* for *presbyter*. Of course, the text would run, that Paul and Barnabas were sent up to the *apostles* and *bishops*, which is *not* nonsense. Why, then, would you take a false weight out of your pocket, and substitute *bishops* for *apostles*? We all know, that the apostles were *bishops*, and *more than* *bishops*: that they were *priests*, and something besides; that, in short, they were *apostles*, and that *no bishop*, as compared with them when living, could term himself *an apostle*. In this very letter, PAUL is not stiled *apostle*. Would it be nonsense to say, that Paul had been deputed to the *archbishops* and *bishops* in Jerusalem? Would it be fair to argue, that arch-

2 s

bishops

* Examination, p. 32. 33. † *Columb.* Letter 4. 48.

bishops and bishops, meant *bishops* and *bishops*? Yet, strange to tell, this term *presbyteri*, which, according to our reasoner, excludes *bishops*, is so very elastic, as to let in *deacons*: *fiet axis et cum volet arbor*. "There were but *four* apostles present" says *Columbanus*, "in this council: all the others were of the *second* order and of the *third*."^{*}

"Lastly, supposing" writes bishop Poynter, "the *at* those *presbyteri* were *priests*: to show that they *said* and *judged* *jure divino*, *Columbanus* must prove, that they acted by the same right as the apostles, and not by concession from these latter: particularly he must prove, that they judged the matter *in* dispute."[†] *Columbanus*† quotes this argument, and answers it, having first omitted in the statement the sitting and judging by *divine right*, which was the main point to be encountered, in his reply. The answer of *Columbanus* is, that "the *onus probandi* lies on the bishop, who is so anxious to prove the contrary;" (this is certainly a novel rule in the laws of evidence, that he who denies a gratuitous assertion, or denies an illogical inference, is bound to establish the contrary;) that "there is not the least appearance of any concession from the apostles," and that "the text speaks for itself: the apostles and priests came together to consider of this matter."

Unluckily

^{*} Same letter, p. 56. [†] Theological Examination, p. 34.

[‡] Same letter, p. 48.

Unluckily for *Columbanus*, he had not the *greek* of the 16th chapter before him, already quoted ; in which, the matters decreed are expressed to have been adjudged by the apostles and *presbyters*. But does the text speak for *itself*, that there was no *concession* ? If the *silence* of the text is decisive for the right of the *presbyters*, how shall we get rid of the right of the *laity*, who *adjudge*, in company with the apostles and *presbyters*, and without *any appearance of concession from either* ? In this case, the scripture is as *silently speaking*, as in the momentous demonstration for the *presbyteri*. When *Columbanus* proves *any thing*, he usually proves the very thing, which he had not intended ; thus carrying the Socratic method of *irony* to a beautiful extreme.

I say, that, whether the *presbyteri* were *deacons*, or *priests*, or *bishops*, the *presbyteri* did not decide this question, nor was their authority found sufficient, nor was it attended to.

The controversy had begun at Antioch. Certain teachers had gone down from Jewry, inculcating amongst the converts from heathenism, the necessity of circumcision, whom *Paul and Barnabas* were not able to silence. It was *agreed*, that *these* should go from the one party, and others from the opposite party, to consult the apostles and *presbyteri*, on the question. The *persuasion* of the apostles in Jerusalem had been already fixed on the matter, from the time of the conversion of *Cornelius*, about sixteen
years

years previous; so that this new reference was in itself a matter of governing condescension. The apostles and *presbyteri* meet for the discussion. The converts of the Pharisaic sect oppose the *toleration* of Gentile usages: the dispute becomes violent, and Peter the apostle stands up. He reminds them of the calling of the Centurion: that God had decided the question by the evidence of the Holy Ghost, and upbraids them with attempting to put God to trial, and to endanger the apostatizing of the converts to Heathenism back again. Upon this, the whole assembly, say the Acts, *became silent*. Not a *presbyter* attempted to reply to Peter, or to discuss, by *divine* or *human* right, any further. Paul and Barnabas are now attended to, while they prove, from the wonders of their mission, that the heathen world was called to obedience, not to bondage. Next, the apostle James delivers his judgment. The letter is agreed on by all, and consists of the recommendation of their ambassadors; of the proof taken from the evidence of the holy spirit (ἰδοὺ τὸ ἄγιον πνεῦμα καὶ ἡμεῖς), as urged by Peter, and of the moral and ceremonial practices judged fit by the apostle James, to be declared binding on all.

Such is the history of this *model for councils*, as taken from the unsophisticated and venerable spring-source of evangelical truth. It was a trial on a *reference*; it was a discussion on a point, on which this *right* had been settled. The apostles and presbyters were referred to: the presbyters were divided, and the apostles,

ties, who had allowed the reference to go on, at last interfere; and without taking any notice of any argument or objection on either side, they pronounce. Their decision is followed by all without a murmur.

To understand the greatness of this docility on the part of the native Jews, we have only to reflect on the ambitious expectation they universally cherished, that the world was destined to be governed from Sion. This hope even apostles had avowed. Even Peter, after the resurrection of his Lord, inquires of him, *when will he re-establish the kingdom of Israel*. Even this Peter, after the miraculous descent, seems to allude to that hope of a general *restoration*:* and Stephen is falsely, but fatally accused of maintaining, that the *traditions of Moses would be abrogated*.† The *charity* of the Jewish christians could not have been put to any severer test, than that of being taught to yield up the hope and pretensions of subduing all those, who had received a Saviour of the seed of Abraham, to conform to the federal rite, which God had prescribed as the evidence of his own great oath. It was painful to yield up such hopes, and to allow the Heathen to *supplant* them, as it were, in the *blessings*, and to be freed, at the same time, from the *duties*; especially from that duty, which would have extended the interests of the Jewish family, and have combined their national independence with the increasing and prodigious might of Christianity. By
yielding

* Acts iii. 20. 21. † vi. 14.

yielding up their claims on the heathen, they saw, that they were still to remain insulated, as a people, from those, with whom they held spiritual affinity, and to whom they had imparted (although repiningly) the gospel benefits. The question therefore agitated in this *first council* was not a solitary abstract question of *faith*: it involved most ardent and most justifiable feelings, religious, as well as *national*; nor would it have been wise in the apostles to have refused the discussion, and to have drawn upon themselves the entire assault of mistaken zeal, and fiery patriotism. It was during this visit to Jerusalem, that Paul conferred his gospel with Peter, James, and John, *apart*. On which circumstance it has been remarked*, that the subject of this private conference was the emancipation of the Jews themselves, from the Mosaic law, which was a matter *unfit to be declared publicly*. Perhaps even this reflection will assist *Columbanus* to understand, why the question was discussed anew, and why the apostles did not interfere, until the contest amongst the presbyters threatened to end in division.

But

* Estius in Cap. II. ad Galatas. SZORSUM AUTEM IIS. Apparet Paulum cum Apostolis aliquid privata collatione egisse, quod cum ceteris non egerit in Conventu publico. Nam publice quidem ita contulit, ut ostenderet gentes non debere circumcidi et servare legem Moysi; unde nata erat questio: *private autem et secreto colloquio cum Apostolis habito*, placuit ipsos quoque Judæos ab observantia Mosaicæ legis esse liberandos, quod *publice declarari nondum oportebat*, ne Judæi fideles qui legem Mosaicam mordicus sibi retinendam putabant, offenderentur, atque a fide Christi resilirent.

But did not the presbyters judge? Undoubtedly, as between the contending parties of Antioch, who had *ferred the controversy* to their examination, they *did* judge; it was certified, that they had *discussed and* *reed*: as between the Apostles and themselves, they *ielded* and must have yielded. The dissentient presbyters were silent as soon as Peter had spoken. Suppose that *Columbanus* had been on the spot to ask them, why they gave up to *Peter*, and not to their fellow presbyters; their answer must have been such, as would go to make the *quietus* of all his lucubrations on "the second order."

"Doctor Poynter's grand *scriptural* argument" says *Columbanus*, "for the exclusive right to judge of all matters relating to faith and discipline* is founded on the Acts xx. 28. which he quotes thus, *Spiritus Sanctus posuit Episcopos regere Ecclesiam Dei*; the Holy Ghost has established *Bishops* to rule the Church of God! And so confident is he of this text in his favour, that he has inserted it as a motto prefixed to his examination of *Columbanus*, giving the word *Bishops* in capital letters, (this is also the grand Palladium of Doctor Milner, as in his elucidation of the Veto, p. 34 and 48), to render it the more conspicuous, and so substituting his own *exclusive language* for the language of *inspiration*!"

Before we hear from *Columbanus*, what this language of

* Fourth letter, p. 28.

of inspiration had been, it is very proper to remind him, that this is his *second* commission of a former act of insincerity. Doctor Poynter, in his examination, (p. 18,) gave the authority of Cyprian the Martyr, that *heresies* and schisms arise in the Church, from the *irreverence which some shew to their Bishops*. *Columbanus*, of course, *refutes* this assertion; first, by representing it as Doctor Poynter's *own*; next, by falsifying the words; and lastly, by telling us, that the assertion is false, and *must* be so. Why so? Because *Bellarmino* says, that all the Heresiarchs were either Bishops or *Priests* !*

The second fault is of a deeper tinge. Doctor Poynter, it is true, has put a word in capitals, but the word is, *EPISCOPOS*, *without any translation*, in his title

* *Columbanus* IV. p. 10. te. " Doctor Poynter informs us, that heresies and schisms, are owing to nothing else than the contempt and disobedience, which some shew their Bishops. But that man &c. *Bellarmino* says: *Hæreses ab optimatibus potius quam a p'cebeis hominibus excitantur. Certe Hæresiarchæ fere omnes aut Episcopi aut Presbyteri fuerunt.*" *Columbanus*, who objects to *capitals*, has set *Episcopi* in italics, while he spares, in text and in gloss, the presbyteri. Then he tells us, that " the Donatists and *Eutychians* and Nestorians derived their *heresies* from Donatus, *Eutychius* and Nestorius, who were Bishops. As to the *Lutheran* heresy and those who branched from it, they are all owing to Leo the 10th's *simoniacal abuse* of indulgences," says *Columbanus*. If *Luther* and all those other heretics should chance to meet *Columbanus* hereafter, there can be no doubt, that they will express their obligations to him for this posthumous *omende honorable* to their characters. I fancy still, that the Priests of Ireland will not feel greatly flattered by this way of complimenting their order.

title page. *Columbanus* translates *EPISCOPOS*, *Bishops*, and thus, not knowing what he is about, confesses, that *Episcopos* and *Bishops* are synonymous. He also charges his antagonist with substituting his own exclusive language for the *language of inspiration*. Now this *exclusive language* of Doctor Poynter, is no other than the authoritative and supreme declaration of the Council of Trent; that "Bishops are successors to the Apostles, and that they are placed, as the same apostle saith, by the holy Ghost to rule the church of God: and that they are superior to Priests: that they impart the sacrament of Confirmation; ordain church ministers, and have power to perform several other things, over which the inferior functionaries have no power." (Sess. xxiii ch. iv. quoted by Doctor Poynter, Examination, p. 48). Let then the charge of corrupting holy writ,—let the indictment of substituting exclusive language for that of inspiration, be sent home, where it ought to strike. Let the council of Trent be the misinterpreter of the language of inspiration, and let this charge be known to proceed from an author, who pretends to be a catholic priest, and who admires the VETO.

Although for a catholic man, the authority of the Church of Christ is the highest evidence of what is the language of inspiration, I will not, under shelter of this protestation, deprive you of the argument, which *Columbanus* tenders as the inspired sense of scripture. He thus continues. "But what is the truth? The

“truth, as noticed even by the Roman court Theologians, with whom Doctor Poynter ought to be better acquainted ;—as noticed by *Bellarmino* and “*Baronius*,”—I stop the current of *inspiration*, merely to object to the *fortieth* repetition of that shallow trick, of pretending to quote an authority, and vouching, in the same breath, for its *credit*. I object to all authority of the Roman court Theologians, *Baronius* and *Bellarmino*, on this question ; because *Columbanus* sets them up and puts them down, when he pleases. But the argument, about to come forth, if theirs, shall not escape a whit the better. Let us go on.

“The truth is, that St. Paul, addressing the *priests* of Ephesus, Acts xx. v. 28. says, take heed therefore to yourselves, and to all the flock over which the holy Ghost hath made you (*priests*), *ἐπισκοπους*, i. e. overseers, to govern (or rather to *feed*) the church of God !”

Is this then the *truth*, *Columbanus* ; the inspired language of *Truth* ? If so, then you will be gratified, if I should put to this *Truth*, through the medium of an apostrophe to yourself, some few questions ; first, concerning your acquaintance with *Greek* ; secondly, as to your acquaintance with *Scripture* ; thirdly, as to your *intimacy* with common sense. The *Truth*, you know, can never be *shamed*.

To begin from the last,* “to govern or rather to feed

* Namely, from the *ἐπισκοπὴν τῆς ἐκκλησίας τοῦ θεοῦ*.

“feed the church:” In what *Troparium* of the sixth century, in what *Clavis Homerica*, or brief manuduction to Greek of Leusden, did you find, that ποιμαίνω, when applied to mankind, signifies to feed, not to govern? Really, *Columbanus*, you have puzzled the whole Greek Septuagint, whose *Greek* the author of the *Acts* thought good enough. ποιμαίνω, for those old people was so *truly* and so *exclusively* to do *all the work of* a governor, (although in Hebrew, the expression denoting to *tend* as a shepherd, was no doubt originally derived from their pastoral habits), that, in the second psalm and ninth verse, “Thou shalt govern them with “a rod of iron,” is; ποιμαίνεις αὐτοὺς ἐν ῥαβδῷ σιδηρεῖα. Try *feeding* here, and make the lawgiver “rather feed” them with his *iron rod*. Will the stomach bearsuch a *philological* stretch of power? The mistake however is very easily accounted for.* The ideas of *pastoral* office and *governing* power are not only joined, but identified in the elder Testament. God is the *king* and the *shepherd*; and both titles concur in one, declaring careful providence, controul, correction and separation. In the new Testament the same coincidence is perpetuated. Our Saviour declares himself the *right good* shepherd: he knows his flock and he defends them: he leads them forth into pasture; he goes before them, and they follow

* In the mistake of *κοινοῦ*, which refers to animals, and ποιμαίνω, which includes every species of governing direction, when applied to rational beings.

follow him and obey at his call.* This same Redeemer has elsewhere conjoined the province of the shepherd, with the most awful demonstration of sovereignty. „ He will part them from one another, as the shepherd “ assort the sheep from the kids, and he will station “ the sheep on his right, and the kids on his left hand ; “ then will the KING pronounce to them who shall be “ at his right hand : COME HITHER !”

I have done with your *feeding*, *Columbanus* ; and now I would fain salute your “ Overseers.” In what part of scripture have you found ~~ἐπισκοπος~~ signifying “ an overseer :” I trust you will not answer, that you have found it in this passage under dispute : you will not say so, now that we have settled the “ feeding ;” for, when you changed “ govern” to “ feed,” you seemed aware, that if “ govern” were allowed to stay, the “ overseers” would not *match* it.

Let us then go to Acts I., where the election of an *Apostle*, to replace Judas, is proposed by St. Peter ; “ For it is written in the book of Psalms ; Let his “ mansion be desolated. (Ps. 68). Again, “ Let another “ take his ~~ἐπισκοπον~~” (Ps. 108 in the vulgate : 109 in the 70 and Hebrew). The *vulgate* translates this term, *Episcopo*, *Episcopatus* : the translation of the church of England renders it *office* generally. In the same chapter the *Episcopatus* or *office* is called by the Apostles, in their prayer to CHRIST, the *ministry and apostleship*,

* Joan. x. Math. xxv. 31, 32, 33, 34.

apostleship, from which, or, by the opportunity of which, Judas had worked his crime.

Let us see of what rank was the *Episcopatus*, mentioned in the Psalm. It was the place of Achitophel, the prime counsellor and arch-traitor to king David, who proposed to attack his Sovereign *in the night-time* with twelve thousand men, and whose advice, until that time, was considered as the voice of an oracle.* This man was surely not an *overseer*: he was a judge, and a director in the government. So had Judas been, and to this second Achitophel, as holding apostolic rank, it had been promised, that, in the regenerated, or Christian world, he should possess one of the twelve thrones, as one of the governors and judges over the nation of Israel. Such *ministry* and *apostleship* was not surely the place of an "*overseer*," by any possible debasement of the *Episcopatus*, or office.

The term, rendered by the Septuagint, *ἐπισκοπή*, and by the Vulgate, *Episcopatus*, is, in the original, the office of *visitation*; that is to say, of *charge*, and *cognizance*, and *command*. The *visitors* are the *captains* and the *chiefs*, and are rendered so, as well by the Septuagint, as by the Vulgate, and by the church of England version.† After so many *Jubilee-years* of controversy

* Kings 2. xv. 12. 31. 34. xvi. 20. ad fin. xviii 1. 2. 16. 23.

† As in Numbers III. 29, the Septuagint has it *ἀρχαί*; the Vulgate, *principes*; the Church of England version, *chief*.

controversy on this word *Episcopus*; after so many attempts to resolve the office into a *superintendence*, by anatomizing the etymology and composition of the word; the fact remains undisturbed, that, as well in the Greek of the Septuagint, as in the language of original Scripture; in the time of the apostles, as well as in the time of *Cicero*, *Episcopus* meant a *person charged with a government and administration*; that the term was of relation not to *employment*, but to *polity*; that its significancy was not narrowed to the special attendance about one object of commission, nor to one class of men in a given society, but was bounded as other *governments* may be: that it was not a deputyship of mere force, nor was it mere ministerial ordering, but imported superiority, as well as trust and command. To enlarge on this topic would be shameful in any one, who either possesses or pretends to information.

But even so much as I have written, was not required in the present case. No knowledge whatsoever of Greek or Latin was wanted, to put down the assertion of *Columbanus*, that the *presbyteri* of *Ephesus* were *priests* of the second order, and being such *priests*, were stiled *Episcopi*, that is, *overseers*, by saint Paul. His own *datum* is sufficient, coupled with a supposition, that *saint Paul was a rational man*. The business, in Acts xx, was the following. Paul, the apostle, was going off to Jerusalem out of Macedonia.

n. On his arrival at Miletus, he resolves not to waste time in travelling up to Ephesus, where he had founded a church of Christians. At the same time, being forewarned by God, that he should never behold them again, he sends for *the presbyters of Ephesus*, tells them that they are *about to be parted for ever from each other's sight*: that great disasters are projected against him, if he should enter Jerusalem: that he knows not his destiny, but is prepared for martyrdom. After this moving preface, he *discharges his soul*, by a solemn adjuration, from all that may happen to the *Ephesians*: he *resigns the church* to the charge of those presbyters; and foretelling that, after he is gone for ever, the *wolves* will make havoc in the fold, (which was fulfilled in the Cerinthian heresy), "Be attentive," says Paul, "to yourselves, and to all the fold, inasmuch as the *Holy Spirit* established you *Bishops*" (or charged you with the administration); "to govern the church of GOD, which he purchased with his own proper blood."

The only *essential* difference between a priest and a bishop, according to *Columbanus*, is, that a bishop holds exclusively the *power of ordination*. This premises, look to the *language of inspiration*, according to *Columbanus*. The Apostle is taking his last farewell of the church of Ephesus. He is providing against evils to arise after his death: he predicts that he is to return never more. And, after all, to whom does he give up the charge of the church, according

to

to *Columbanus*? Why, truly to the *priests*, who have no authority to *ordain a priest*, and who consequently may all be dead, and the Ephesian church dispersed, *before the wolves* come in. He founds a *city*, without the hope of posterity; he builds a church, with the labour of three years; goes off to *die* for Christ, if called, but professedly never to return to Ephesus: yet the *wise architect*, Paul, for thus has saint Paul stiled himself, leaves this church to expect a miracle for its continuance, and clears himself of all *responsibility*, by reminding the *priests*, that they were appointed "overseers" to govern or "rather to feed" the church of God! Such ratiocination as this, is, no doubt, point blank *against* Doctor Poynter. But still it is too powerful for the muscles of a Stoic.

To proceed however with *Columbanus*, "Baronius observes, that in the apostolical times, *priests*, in the care of souls, were indiscriminately named *presbyteroi* and *episcopoi*, or overseers; as in Paul to Titus, ch. 1, in the Epistle to the *Philippians*, 1, and in this very passage, Acts xx, 28, and repeatedly elsewhere."

This is another specimen of *invincible demonstration*. I do not mean as to the prodigious *finesse* of quoting *this very passage*, which is the matter in controversy, but as to the *observation* in general. *Columbanus* had assumed, that the *presbyteroi* in the Acts were priests of "the second order." Doctor Poynter on the contrary maintained, that they were *more probably*

probably *bishops*, and he referred to texts, in which men called *presbyteroi* evidently were *bishops*. In reply, *Columbanus*, taking it always for granted, that *presbyteroi* must mean *priests*; but finding *presbyteroi* named also *episcopoi*, settles the question, by assuring us, that *episcopoi* meant “overseers,” and was as much the title of *priests*, as *presbyteroi*. This he proves from *Scripture*; that is, by making *presbyteroi* *priests*, and those *priests* “overseers.” Whereby he has demonstrated more than he was aware of. He has completely exterminated *episcopacy* from the New Testament, and left us only *apostles*, and *overseers*, being *priests of the second order*. For, in the new Testament, an *episcopus* is uniformly either coupled with *presbyter* as synonymous, or stands in lieu of *presbyter*. This *presbyter* for *Columbanus*, is solely and exclusively a *priest*. Consequently not one mere *bishop*, in the unlearned signification of the word; is to be found in holy *Scripture*; and therefore neither is the office to be found.

Looking separately to the other texts lately referred to, the first is from the *Epistle* to *Titus*, when left in *Crete*, by saint Paul, for the purpose of establishing churches in that island. “I left thee in *Crete* for this end, that thou shouldst finally arrange what is yet wanting,* and establish *presbyters*, in the several Cities,

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* Ch. 1. v. 5. να τα λοιπὰ επιδιόρθωσι και καὶ ἑστηκὸς καὶ πάλιν ἔτι.

"*Cities*,—because it is meet, that every *episcopus* ("overseer," according to *Columbanus*; *bishop*, as others presume to render it), should be blameless as *the Steward of God*." In the same Epistle, at the end, "As soon as I send to thee Artemas and Tychicus, *come without delay to me, at Nicopolis* for I have resolved to *pass the winter there*."

From these scraps of quotation we learn, 1. that as yet there had been no *church* in the island of Crete and consequently no *bishop* to ordain *priests*: 2. that the mission of Titus, as Vicar Apostolical, was to arrange *ultimately a church government*, and therefore to establish a *permanent system*: 3. that the *presbyters*, here spoken of, were the *first order* in this system, and were required to act as *Stewards of God*, a term applied by saint Paul to his own apostolical commission: 4. that Titus was not to *reside* in Crete, but to quit it at the first warning. Now I ask any rational man, whether those *presbyters* could be any other than persons appointed with authority, full and perfect, to *uphold* and to *extend* the mission in Crete, after the departure of Titus? In short, must they not have had, as *stewards of God*, the power of ordaining *priests*? Add to this, that saint Paul terms them *episcopi*, the *only* name to be found in the new Testament for a *bishop*. Is this text settled?

The next attempt of *Columbanus* to establish that "priests" have been stiled "*episcopi*," is taken from the Epistle to the Philippensians, which is addressed
to

that church with its *episcopi* and *deacons*. These *episcopi* must be *priests*, it is said. Why so? Truly scarce more than one *bishop* could not be in one church. The argument was unanswerable, if *bishop*, at the apostolic times, meant, what it most generally signified in the fourth century, namely, a *sole* and chief spiritual governor in one city. If applied to the apostolic age, it is entirely without foundation. As long as the apostles remained in Jerusalem, they were only governed there, and *were bishops*, in that local jurisdiction. If there be authority in the text, quoted from saint Jerome by *Columbanus*,* the presbyters of Alexandria, until the middle of the third century, *retained* their own *bishop*, by *enthroning* him. Saint Epiphanius, who wrote *after* the Nicene council, mentions as a peculiarity or distinction in the church of Alexandria, that it never had had more than *one bishop* at once.† Saint Augustine himself testifies expressly, that, when he was ordained to be *joint bishop* of Hippona, neither he nor *Valerius* were aware of the Nicene prohibition. The bishop of Carthage also, who authorised the intent of Valerius,

seems

* Columbanus, first letter, p. 32. Jerome, Ep. 85. Alexandria Marco usque ad Heraclum et Dionysium episcopos presbyteri tantum ex se electum in excelsiore gradu collocatum, episcopi (read episcopum) nominabant.

† Euseb. Meletian. 722. ὁ γὰρ τότε Ἀλεξανδρίας οὐκ ἐκείνητος ὡς καὶ ἐν ἄλλαις πόλεσιν.

seems to have been equally ignorant of its illegality. From the declaration of Saint Augustine, this at least is plainly to be inferred, that no rule or church law, save a Nicene decree, had come to his knowledge, as interdicting the practice.

There is another circumstance to be weighed in the address of the apostle Paul to the *Episcopi* and *deacons* at Philippi: the deacon was an *attendant* on the *bishop* or *bishops*.^{*} The Council of Nicea reminds deacons, (who, infatuated by the popularity and consequence derived from their stewardship of ecclesiastical revenues, had audaciously pretended, in certain quarters, to dispense the Eucharist from the bishops to the presbyters), that *deacons* are the *servitors* of the bishop;[†] and that presbyters are their *bettors*: “A *bishop*, says Epiphanius, *cannot be* without his *deacon*†. If the Nicene Council delivered truth: if Saint Epiphanius is a competent witness for the persuasion of his own age, that is to say, of the fourth century, there must have been either *many bishops*, or at least *one bishop* at Philippi: and the principle, no *deacon*, no *bishop*, must have been fully established before the reign of Constantine. If, at Philippi there was but one bishop, why is he not mentioned? If mentioned, by what words is he to be identified? If there were *many bishops* in that city, the point I contend for is determined

* In Can. 18. Ερμηνεύσαντι δὲ διακονοῖ τοῖς ἰδίοις μιστροῖς κροτῆς ἐξ τοῦ μετ' ἐπισκοποῦ ὑπηρίσται αὐτοῖς, τὰν δὲ περιεβουτεῖται ἐλαττοῖς πρῶτον αὐτοῦ.

† Epiphan. Acetian, p. 908. Αὐτοῦ δὲ διακονοῦ ἐπισκοποῦ αὐτοῦτος ἐστίν.

mined. If *no bishop* was there, the fathers of Nicea knew nothing, while *Columbanus* knows something about primitive church government. This conclusion is pacific enough, perhaps flattering. *Derideri te putas: nunc demum intelligo te sapere.*

In the whole process of his demonstration, *Columbanus* not only assumes, that the presbyters in the *Acts* and *Epistles* are “priests of the second order,” commonly known by the title of priests, but he manfully translates the word presbyters, *priests*, which stile exclusively belongs in English to the class next to Episcopacy. This assumption is worse than gratuitous. It stands in contradiction to that scripture, from which he would establish his whims. Timothy, beyond all question, was a bishop: he had the essential mark, according to *Columbanus*, of Episcopacy in the right and power of ordaining. Saint Paul is a good voucher to this, when he instructs Timothy to what characters he is to impart Ordination. Now, the very Apostle Paul directs this Timothy to revive within himself the gift, which had been imparted to him, *by the ordination of the assembly of presbyters*. Of necessary consequence therefore those *presbyters*, to whom Saint Paul referred, *ordained bishops*; at all events they ordained either *bishops* or *priests*. Were such presbyters priests of the second order,” who, according to the doctrine of *Columbanus*, are *solely* but *essentially* excluded from ordaining to holy orders?

Again

Again ; Saint Peter, in his first epistle, addresses presbyters as his *colleagues*, each in his department of governing. . He applies to them the words *tending and having the charge*, exactly as Saint Paul had used them to the presbyters of Ephesus. "The *presbyter* amongst you, I conjure as *their fellow presbyter*—
 "Tend you (*ποιμανετε*) the flock of God, which is with
 "you, holding charge of them (*ποινομενωμεν*), not from
 "necessity...nor lording it, in your several allotments—
 "but making yourselves the pattern for the flock; and,
 "when the chief shepherd shall appear, you will receive
 "the unfading crown of glory."†

In the same epistle the dominion of Christ over our souls, is expressed in the same terms, which Paul applied

* *οι κυριοντες εν ταις εκκλησιαις*. The simplicity of this figure in which each vicarious shepherd holds his allotted and separate portion, under one chief shepherd, appears to have perplexed translators; some referring it, in a moral sense to the *inferior Clergy*. Amongst these translators, *Columbanus* deserves regard. He quotes it (Letter 1), as the text of *Saint Paul*, thus robbing *Peter*, according to the proverb. In his fourth letter, he gives it back to its owner, not in the original, nor according to the vulgate, but according to the translation of the church of England, which renders the particular passage last mentioned, "not lording it over the *Lord's heritage*," a merely conjectural interpretation.

† *το αμαραντον της δεξης σφαιρας*. The English version has rendered this simply and beautifully "an unfading glorious crown," in analogy to his *glorious* name, and such expressions. I apprehend, however, that the import of the term, *glory*, is mistaken. The *δεξ* or *glory* is *more* probably an ornament for the head in this place, which bears evident allusion to Ecclesiastic. Chap. 32. 1, 2, 3, 4, and Chap. 45, v. 22. II. Corinth. Chap. iii. v. 7.

ed to the charge held by the *presbyteri* in Ephesus. *tu* have returned to the shepherd and *Episcopus* your souls." I scarcely imagine, that the greatest ear of parody could relish the change of the terms, is passage at least, to "feeder and overseer." To conclude: in no part of the new Testament are *presbyters* mentioned as a distinct class from the *epi*. In no one text, is it even hinted, that those *epi* *presbyters* had not the power of *ordination*; moreover, in one text, they are expressly said to *ordained*. Lastly, wherever *presbyters* alone are mentioned, it is proved from the circumstances, that were entrusted with the entire ordinary church government. When *presbyters* alone are mentioned, *epi* are *not* mentioned, or are mentioned as holding the same office. On the other hand, if *Episcopacy* is mentioned, it is mentioned as the office of *presbyters*.

Columbanus winds up his *invincible* demonstration these words, which I regret being forced even to say. "Doctors Pointer and Milner have *therefore* corrupted the Sacred Text, *wresting* it to *their* favourite axiom of *exclusive* uncontrollable power, and inculcating the *Hindoo* and *Mahometan* principle, that priests of the second order are not to *judge of*, or *examine* the doctrines, which, *by divine mission*, they are bound to *preach to the nations of the earth*, like *x*."* I will not dispute against *Columbanus*, whether

* *Columbanus*, fourth letter. p. 28.

ther the *Hindoos* and *Mahometans* held exactly the
 tenet, that "priests of the second order" are bound
 not to examine the doctrines, which they are bound
 to preach. Most probably *Columbanus* has fathomed
 those learned systems, with as great research, as he
 betrays unacquaintance with the homely dispensations
 of the Gospel. Since he talks of *corrupting* scripture,
 we, who have no opportunity of *collecting* the *best ma-*
nuscripts, beg to know in what Gospel, *called of Saint*
Luke, the *priests of the second order* are mentioned.
 We are curious to learn, in what Gospel "priests of
 the second order" are talked of, as bound by *divine*
mission to preach to the *nations of the earth*. In the
 10th Chapter of Saint Luke, it is unquestionably
 recorded by him, that after the election of the apostles,
 our Lord appointed other *seventy-two*, whose office it
 was to go forth two and two, preparing the *several*
 towns and districts, whither Christ was to follow after,
 for the reception of his doctrine and person; and that
 those messengers were endued with healing powers and
 a delegation from Christ. But in no *printed* Gospel
 or book, (*Columbanus* always excepted), has it been pre-
 tended, that the mission of those seventy-two was
 other than temporary, and confined to the travels of the
 Redeemer. Nay more, the very Evangelist, Saint
 Luke, (if we can depend on *printed* copies), gives us
 to understand, that those seventy-two completed
 that mission of theirs, and *returned back to our*

Lord =


Lord;* and from the four gospels, which we have in *print*, it is almost evident, that they were not further employed during his mortal life. Their office therefore, as received in Luke x. 17., having expired, it is fair to ask of *Columbanus* some further illustration on the subject; especially at what time, and from whom they received, as a body distinct from the other *disciples*, the *divine mission* to preach to the *extremities of the earth*; by what process the "second order" has succeeded, *pro indiviso*, to this same very extensive *diocese*; and by what authority they have been all dispensed with in the point of *universal residence*. The scope, indeed, of so great a missionary title, notwithstanding the *subsequent* introduction of *bishopric* and *parish*, is as magnificent, as it was admirably contrived to have it kept a secret, from the days of Saint John the Baptist until Saint Patrick's day, in 1811. I fear however, that, as the claim was never prosecuted by the *seventy-two* for themselves and *successors*, nor, indeed, properly explained to them, until *Columbanus* arose; the Irish priests of the "second order" will

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* Saint Epiphanius, In Hieres. xx. S. 4. Petau's Edition, does surely assert, that our Lord, after his ascension, appointed the *seventy-two*, as well as the apostles, to preach to the ends of the Earth; but so little did he suspect them to have been presbyters, that according to him the seven *deacons* were appointed out of them. Matthias also and Mark, Luke, Justus, Barnabas, Apelles, Rufus, Niger were, according to Epiphanius, of that number. It would be unseasonable to remark on the concluding assertions in this authority.

will demand at least a *genuine* bull from our interpreter of Saint Luke, before they unhouse themselves, to adventure for so very *old an estate*.

A truce with texts as from Scripture. The matter, from which we diverged in compliment to method, is grand. We are to return to the question of episcopal birth-right, and to dispute against great human authorities: but these I respect without fearing. I fear much more to incur the reproach of temerity, in pretending to investigate *causes*, which are too deeply fixed, to allow of inspection. *Ubi eras quando ponebam fundamenta terræ? Indica mihi, si habes intelligentiam, super quo basēs illius solidatæ sunt? Aut quis demisit lapidem angularem ejus?**

If the essential and incommunicable power of episcopacy consists in giving holy orders, the proof is full, as we have seen, that in the first propagation of Christianity, the *presbyters* were truly *bishops*. This result appeared to Petau so undeniable, that, when arguing against Saumaise, he declares, that the most ancient *presbyters*, beyond a doubt, possessed not only the *title*, but the *truth* and *authority* of episcopacy. This state of things he limits to the short period, within which the gospel continued to travel with such rapidity, that every church required have a number of bishops ready for the mission.† quali: 

Jeb, xxxviii. 4. 6.

† De Episcop. dignitate et jurisdictione. Lib. I. Cap. 2.

qualifies this avowal, I observe, by explaining his mind to be, that *all or very many of those presbyters were so ordained, as to gain at once the station of presbyter and of bishop.** The explanation and the avowal do not well stand together. If, from the passages of Scripture it is manifest, as it is, that *presbyter* and *bishop* were synonymous in the period alluded to, Petau might with equal consistency have said at once, that those *bishops*, or *very many of them*, held the power of *ordaining*. Again, if *generally*, or *most frequently* the *presbyters*, ordained in new churches, held the *episcopal*, as well as the secondary power, by *one ordination*, it would not have been easy for the new converts to discriminate the double rank enjoyed by their bishop; much less to understand what was that authority of a *presbyter*, which they had not witnessed separately, as yet, in any church-governor. That these two orders were afterwards distinct, even in the apostolic age, is undoubted: that Catholic *episcopacy*, as now understood, existed even then, I know: but I deny, that the *power of ordaining* was then the *exclusive* mark of *episcopacy*, as now understood. I deny, that the original *presbyters* were the ancestors of modern *presbyters*: I hold the rank of both to be of *divine authority*. Nay, I think, the rank of the later presbyter to be, all things considered,

* Ibid. Existimo presbyteros, vel omnes vel eorum plerosque, sic ordinatos esse, ut episcopi pariter ac presbyteri gradum obtinerent.

considered, more important than that enjoyed *originally* under the same name ; even allowing to *presbyters* of the first succession, the power of *ordination*.

In treating this question, it has been the uniform practice, to take notice of what was written by saint Jerome, concerning *presbyters*. The expressions of this great and emphatical writer are adduced by Calvin, and by all those, who have advocated his church system, as decisive against bishops : while, on the other hand, the followers of episcopacy, both Catholic and Protestant writers, have undertaken to reconcile the assertions of the holy and learned man, to what he himself had written elsewhere, as well as to their respective persuasions of what is orthodox in principle, or probable in fact. He asserts, that *presbyter* and *bishop* were the names of one and the same office, in the early government of the church. In proof, he gives those texts of the apostles, Peter and Paul, on which I have been remarking ; namely, the instruction to Titus, the omission of *presbyter* in the directions to Timothy ; the address to the *presbyters* of Ephesus, and the salutation of the *bishops* at Philippi : from saint Peter he quotes the words, “ The *presbyters* amongst you *I* besecch, who am their *fellow presbyter*.”

Thus far the opinion of Jerome is unequivocally delivered, and thus far it can scarcely admit of a question. The matter of controversy lies not here, but in the *cause* and the *epoch*, which he seems to assign for
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the introduction of *sole episcopacy*. "Before parties," writes saint Jerome, "sprung up in the Christian administration; before such expressions as these were uttered amongst the faithful, *I belong to Paul, I to Apollo, I to Cephas*; the churches were governed by a common council of their *presbyters*. But, when it came to pass, that each individual, (presbyter) "looked on those whom he had baptized, to be an acquisition for himself, not for Christ; every where (*toto orbe*) it was decided, that one *presbyter* should be chosen, and placed over the others, and that to him the care of the church at large should appertain, thereby to remove every principle of schism.—These instances," (namely, from the *Acts* and the *Epistles*,) "I have brought, to show that *presbyters* and *bishops* were, for those of old, one and the same; but that *by degrees*, the government was restricted to *one*, in order to do away the possibility of dissensions in future. As therefore, *presbyters* should know, that, in virtue of the church usage, they are submitted to their prelate, whosoever he may be; so let *bishops* understand, that they themselves are *greater than presbyters*, more from a *usage* than from the *primary ordinance* of the Redeemer, and that it is their duty to govern their churches *by joint deliberation*."*

I have

* Hieron: in Cap. I. Paul. ad Titum. Antequam instinctu diaboli studia in religione fierent, et diceretur in populis, Ego sum Paulus, ego Apollo

I have begun with this quotation, as furnishing the ideas of saint Jerome concerning episcopacy, in a more authentic way, than his celebrated letter to Evagrius. His declared object, in writing to Evagrius, was to put down the competition of certain ignorant *deacons* with *presbyters*; and this object did naturally admit of an emphasis of words, and a colouring of facts; it allowed the introduction of mere probabilities, and a certain address in combining them, which saint Jerome would not tolerate, much less employ, in a doctrinal and tranquil exposition, such as his commentary on Paul to Titus was meant to be. However, from this passage, it has been argued by the enemies to episcopacy, that, *according to the divine institution*, there was no difference between a *bishop* and a *presbyter*: that, of consequence, there was no such clergyman, as we now stile *priest*; that *episcopacy*, as now understood, is the result of

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Apollo, ego autem Cepher, communi presbyterorum consilio ecclesiam gubernabantur. Postquam vero unusquisque eos, quos baptizaverat suos putabat esse non Christi; in toto orbe decretum est, ut unus de presbyteris electus superponeretur cæteris, ad quem omnis ecclesie cura pertineret et schismatum semina tollerentur.....Hinc (scilicet ex N. Testam. argumenta) "propterea, ut ostenderemus apud *Hebræos* eosdem fuisse presbyteros quos et episcopos; paulatim vero, ut dissensionum semina evellerentur, ad unum omnem sollicitudinem esse delatam. Sicut ergo presbyteri sciunt" (not *sciunt*) se ex ecclesie consuetudine ei, qui sibi præpositus fuerit, esse subiectos; ita (et) episcopi noverint se magis consuetudine quam dispositionis domesticæ se: ita se presbyteris esse majores.

an ecclesiastical law, and of a general regulation, subsequent to the apostles; that, in short, the exclusive rights, and separate functions, now attached to the *episcopal* class, have, at the utmost, their sanction from human enactment: that they are either the inheritance of presbyters by *divine right*, or cannot be of divine right, if not equally belonging to all presbyters.

It would not be an easy task to reconcile the stress laid by anti-episcopalians upon the authority of Jerome in this one instance, supposed favourable to their own practice, with the indifference or contempt manifested for his testimony on most other occasions. When bearing witness to any of the unacceptable tenets of Roman Catholic religion, the voice of Jerome is but the cry of an unenlightened, morose ascetic: when he happens, as in this place, to deliver his *own opinion*, and to draw *his own inferences*,* the oracle of Jerome is the trusty interpreter of Peter and Paul, and of the *Saviour*! Why so? Because his supposed opinion stands as a mediator between the Scriptures and *their* system.

But Catholics hold a different course. Although for them no individual authority of a teacher is of weight, when standing adverse to the living authority,

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* Ibid. Putat aliquis non *Scripturarum*, sed *nostrum* esse sententiam episcopum et presbyterum unum esse, et aliud *eratis*, aliud *est* *nostrum* Officium? Relegat Apostoli ad Philippenses verba. &c.

or when teaching apart from the fixed and canonized persuasions of the church; yet the cause of Jerome is always treated with a zeal for his honour, whenever these and similar expressions concerning episcopacy are fastened upon. It has been repeatedly demonstrated, that the inferences, ascribed to saint Jerome are overcharged. It has been proved, over and over especially by Natalis Alexander, when this controversy was thought important, that from the very concessions of the Saint it follows, that episcopacy was of divine institution. In truth, saint Jerome has explicitly informed us elsewhere, that there were ~~some~~ bishops at a very early period indeed. "*James was ordained Bishop of Jerusalem by the Apostles,*" "without delay, after the death of the Redeemer, and continued thirty years, the ruler of that church -" Whether the ordination of James was in consequence of an *established usage* in the Christian church, ~~then~~ some few days old, or in consequence of any *particular* raging in that church, or because any *presbyters* imagined those whom they baptized to be *their own acquisition*, I may safely remit to any judge who is able to read. Whether James was *elected* and *set over* his *fellow-presbyters* by virtue of a *general decree subsequent* to a *primary* institution, I will not even ask; because

* In Catalog. Scriptor. Ecclesiastic. post passionem Domini statim ab Apostolis Hierosolumorum episcopus ordinatus.....Triginta itaque annos Hierosolymis rexit ecclesiam.

Because I must not suppose any *reader of mine* to be a natural fool.

Saint Jerome, therefore, was aware, that, in Jerusalem at least, a *bishop* was *ordained* as a *chief governor*, in the very first weeks or months of the Christian church, and when all the authorities of the new law were concentrated not only within a single city, but perhaps within one single place of meeting. He was aware that *no schisms* were possible in the church at that period, when all the believers had but *one heart and one mind*: that, consequently, the ordination of James was not *secondary* to a *divine* institution of *presbyters*, but was of divine right; and was supplementary, by *divine* right, to the *divine* institution of the twelve Apostles. If this James was really one of the *twelve*, (as the prevailing opinion of later times, countenanced by an expression of saint Paul, and by the assertion of Clement of Alexandria, esteems him to have been,) the office of *episcopacy* imparted to him must have been something higher than the rank of a *presbyter*, as this was understood in the age of saint Jerome. If James was *not* one of the *twelve*, and yet is ranked by Paul with Cephas and John, as a pillar of the church in Jerusalem; and, in the council, is alone recorded to have spoken and *judged* after Peter: it is equally manifest, that the *episcopal* rank of James was associated with the apostolic dignity, and that even, *for those of old*, a *bishop* at Jerusalem was superior to *presbyters*, not merely by

the force of a usage; although such *presbyters* should have exercised, (as I am certain that they exercised) the power of *ordaining*.

This mode of dealing with the argument, raised from the words of saint Jerome, may to some readers appear to be evasion, not opposition. It may be retorted, that the sentiments of Jerome cannot be so fairly gathered from a chronicle, which he did little more than translate, as from his own declarations, when professedly treating the subject of episcopacy: that, notwithstanding the very many explanations given of the passage in question, the words are such as no man would use at this day, unless against the *apostolical* origin of Bishops: lastly, it may be urged, that the true method for combating the inferences drawn from the authority of so great a man, would be to encounter the passage itself, as if it had been written in the fourth century by an *anonymous* commentator, and therefore not privileged, like Jerome, a doctor of the church, to be always understood in the best meaning, although not the most obvious, and to be defended from the irreverence of censure, even where his words may be negligent.

In this way I do not fear to set upon the quotation. Let the words be of an unknown author, or, better still, let them have been given, by a modern, as his own gloss on the first chapter to Titus. Now the *modern* and *anonymous* commentator must be content

to bear with some freedoms of speech, concerning this same gloss.

Could any thing be more unlucky than the choice of such a text? The *gloss* informs us, that *presbyter* and *bishop* were one and the same in the earliest times; and this no man questions: but the *gloss* says moreover, that, *until parties sprung up in religion*, each church was governed by a common council of its *presbyters* (or *bishops*): this might have held good in churches, that possessed several of those first-rate *presbyters*; but how does this apply to churches, that had only one *presbyter*, or *bishop*? Above all, how does it happen to be applied to the churches in Crete, whereas, in this very letter, and in this very text so glossed upon, the Apostle charges his deputy to ordain a *presbyter* for every city? Were these *presbyters* of Crete, elected by virtue of any general decree, from amongst their fellows? If not, if, on the contrary, they were directly and immediately appointed governors of that new Christian church, with what meaning could it be said, that such *presbyters* were superior rather by *ecclesiastical usage*, than by the primary institution of the Saviour, to the *presbyters* “of the second order,” whom they may have afterwards ordained? With what consistency is it to be pretended, that, in Crete, the government of each church was, by degrees, restricted to one?

Again, the manner of the alleged change in the ecclesiastical government is here related in two different

different ways. It is *first* laid down for positive fact, that, by a *general determination* throughout the Church it was resolved, that *one presbyter* should be chosen and placed above the others: it is *afterwards* declared, that *by degrees*, the government was restricted to one presbyter. To which of these assertions are we to trust; the *former* of which apparently goes on the supposition, that, at some one time, the Christian Churches were, either all or generally, in a state of anarchy, and dissociation: while the *latter* assertion pretends, that the resolution was effected by *degrees*, and consequently may have established itself at different times, in different Churches?

The *cause* however assigned for the introduction of sole Episcopacy, is, the selfish and profane dissensions excited by those early *presbyters*. The Churches, it is said, were governed in common, until the expressions, *I belong to Apollo*, and so forth, were broached amongst the faithful. From this it may be inferred, that, so soon as party feelings were excited in any local church, the cure for that mischief was, to restrict the government to one presbyter. But the fact says not so. It was at Corinth, as we learn from Saint Paul, those party feelings and dissensions were first stirred up; wherein one called himself belonging to Apollo, another to Cephas, a third to Paul himself:* yet, we do not find, that, in Corinth, any one *presbyter*

* Corinth. Chap. i. v. 13.

ter was set above the others by the apostle. Timothy was sent to reclaim the parties, and to him the Corinthians are enjoined to pay obedience: the Corinthians are besought to return to peace, and unanimity, and charity: the refractory are threatened with a visitation, in apostolical power.* But not a word of restricting the government.

Whether we suppose the change to have been simultaneous or gradual, the difficulties are insurmountable, or the argument is vain. If the change was made at once, and in cure of a general mischief,—what a horrible idea! it presupposes, that the *original* arrangement of the Redeemer proved not only ineffectual for the government of his Church, but pernicious. If the change was made by *degrees* and *partially*, the difficulty starts up, by whom was it effected in each several church? was it by the contending *presbyters*? was it by any higher authority? and if by an authority higher than that of local presbyters, was the authority divine or human? was it competent to enact for all future times?

In the ascertainment of these points, the whole merits of the cause are involved, and these, the only important points, are entirely put out of sight, in the argument. Let us suppose, that the decision, which took from *presbyters in common* the government of the Church, was enacted by competent authority. What follows

* Ibid, Chap. iv. v. 14, 15, 16. Chap. xvi. v. 10, 11.

representation, or by general survivorship? Beware of saying, that the apostolic power died with the original apostles. CHRIST has decided that question, when he promised to build his *everlasting* Church on *one apostle*; when he promised to be the ally and companion of his apostles to the end of the world; when he promised, that the Spirit, which he would send down, should abide with them perpetually. And observe, what authority he imparted to the eleven before he went up on high. AS MY FATHER SENT ME WITH POWER, EVEN SO DO I SEND YOU...Καὶ ὁ Πατήρ καὶ ἐγὼ πέμψω ὑμᾶς. Do you not see here the first link of succession in *apostolic* rank? By what words did the Redeemer announce his own divine mission in the synagogue of Nazareth? Read the words of Isaiah, to the fulfilment of which, in his own person, he bore testimony;* compare that mission, in its authority, and its benefits with the apostolic mission given to the twelve,† and doubt, if you can, that the twelve had the power and the obligation, or that some one amongst them had the special obligation of perpetuating that rank, which they had gained in common, when their Lord was about to ascend; of giving injunctions to them, whom they should select in the *Holy Spirit*, as they had been enjoined by him, in consequence of their own selection in the *Holy Spirit*.‡

During forty days, say the Acts, he conversed with them

* Luc. iv. 18, 19. † John xx. 21, 22. ‡ Acts 1, 2.

them, the twelve, on *the Kingdom of God*; that is to say, on the establishment of the Gospel. In this document I find no mention of presbyters; much less do I find, that the apostles were taught to deliberate, *in common with presbyters*, on the affairs of that Kingdom.

What was the most important act of the apostles, before the day of Pentecost? The election of a *successor* to an apostle. A new apostle was declared necessary to be elected, by Peter; and by virtue of this election, a disciple takes the place of Judas. Yet Christ himself had promised to the *twelve*, when Judas was present and included, that they should be seated on *twelve thrones*. Does not this seem strange? Matthias not only succeeds to the rank, which the traitor had possessed, but gains the effect of a promise, which, when made to Judas, was to be made good to his successor, coming in by posthumous election.

Perhaps, it will be said, this election had been directed by the Redeemer himself. *Perhaps so: perhaps* it is idle to conjecture on the subject. But if it was directed, that would only prove superfluously against the quoters of St. Jerome, how vain it is to argue concerning *original* institutions, where the nature of the directions, according to which they were founded, and the time, during which they were to prevail, are concealed from us by the Gospels, and perhaps to Evangelists themselves were not made known. It is a great matter for reflection, that the Church system

was permanently settled, at times and by matter of enactment, of which neither the special dates, nor minute process of establishment can be explored ; yet the effect proclaims, that *the divine finger* was there.

Lest any tender mind should be hurt by what I advance ; that certain points of divine instruction, concerning the establishment of the Church, may possibly not have been communicated to Evangelists, I beg to remind you, that Paul conferred *secretly* on his Gospel with the three *pillars* of the faith. I beg to suggest, what John the Evangelist records, that after the question put thrice to Peter, and the solemn gift and confirmation by the Redeemer to him, of his great pastoral charge ; after the prophecy of his glorious martyrdom *in imitation of Christ himself*, even Peter is called *apart*, nor is John suffered by our Lord to accompany him : lastly, that the mysterious expressions of Christ both to Peter and to John, were not understood by the others present, and are explained by John himself, who had survived the destruction of Jerusalem, according to that prophecy.

If it be lawful to intrude with suppositions of probability on that memorable interview and consultation, is it not most natural to think, that the imposition of so great a charge, and the prediction of Peter's death in old age, but still holding that charge, followed by that invitation to private Council, all unite in raising the presumption, that Peter was then directed

directed to hasten the establishment of the Church, whenever his death should be near, and that this establishment was to be made conformable to that, which Christ himself had originated amongst the apostles; that, in short, the *apostolical* rank was to be diffused and established in succession, under primacy, and with certain rules for its proof and recognition? This is certainly a probable conjecture. The Scripture has informed us moreover, that CHRIST revealed to Peter, in his old age, that *his death* was near.* Does not this intimation from the Redeemer, seem like a correspondence with the former prediction, and with the charge formerly assigned, and the commandments given to Peter in secret? Was it not like an order to *arrange his house*? At the same time, Peter, strong in prophetic wisdom, anticipated the dangers about to encompass the new world of believers, when he should be gone. He foresaw persecutions even to death ready to commence against the name of Christian.† Is it to be supposed, that he did nothing for perpetuating that class, of which he was the chief? Nothing for strengthening, against the winds and inundation, that Church, which was to be founded distinctly upon his own name and confession; nothing for preserving that gradation, which CHRIST himself had established amongst his apostles, when the flock

was

* Peter Epist. ii. Chap. 14.

† Epist. i. Chap. iv. V. 14, to 18.

was scanty, and when he presided himself over all? It is not to be supposed; although we were left to conjecture as to the manner, by which the supremacy of apostolical rank was actually settled for continuance. A substantive change *must* have taken place at this Epoch, or must have been *prepared*. In either case, if Episcopacy was the object of that change, *sole Episcopacy* must have been of *original* institution, preordained by Christ, though a temporary system had preceded it. It is an abuse of speech to term the scaffolding the *original* design of the architect, because it has been the first erection. For us, who have had the continuance of a Christian Church on earth realised, and thus the assurance to Peter realised; it would be absurd in idea, and impious in consequence, to argue, that the *original* institution of Christ, if enacted for all times, had been notoriously superseded during seventeen hundred years. But of this more ~~at~~ large hereafter.

Enough, however, has been said to manifest the inaccuracy of such words, as *original arrangement* or *primary institution*, when applied to the ultimate establishment of the Christian Church, and to the form, under which it has pleased the Founder of christianity to render its benefits perpetual. Enough has been adduced to meet and to explode the inference attempted to be drawn from this quotation, in favor

of a divine equal right in presbyters, as now understood, *with bishops*. At no period whatever, from the earliest organization of the Church, did this pretended equality subsist. Amongst the very apostles there was no equality, because there was an *order* declared by their Master. Again, these apostles were declared superior to all other disciples ; they were the perpetual companions of the Redeemer, and to them alone had been promised the supreme dignity of judges, when he himself should be enthroned as King. While these apostles lived, they were undoubtedly the first, by what name soever they might have styled themselves. If this subordination of offices was established by Christ himself, as the rule and model for his Church, it would be strange, that the apostles should have inverted the order of divine institution, and bequeathed an equality, which, by those, who urge the quotation from Saint Jerome, must be allowed to have brought the Church to the verge of ruin. But above all it has been shewn, that the passage in question labours under a two-fold and incurable defect ; by omitting to state, at *what time* or by *what authority* the care of each Church was taken away from the *presbyters*, and arguing notwithstanding from the identity of *name*, assessed by later as by *original* presbyters, that the *essence* of both, or the *original and divine* institution of *the Church*, is one and the same.

So

So much for the commentary on Paul to Titus. The letter to Evagrius, written avowedly against the boldness of certain deacons, who set themselves above presbyters, has been also cited by every foe to bishops. It has been explained or defended by almost every Catholic writer on the Christian hierarchy, and, amongst protestants, by Beveridge and Pearson. In this letter, the course of proof, that *bishops* and *presbyters* were indiscriminate epithets of one and the same class, is resembling that of the commentary on Saint Paul: the Scripture texts are in substance those already quoted. The material difference, in words at least, is to be found in these following expressions: "As to the Election of one" presbyter "to be placed above the others, it was meant as the remedy for schism, lest each by dragging to himself the Church should rend it asunder. For even at Alexandria, from Mark the Evangelist until the Episcopacy of Heraclas and Dionysius, the presbyters uniformly chose one from their own body, and, installing him in the lofty chair entitled him *bishop*; just as if an army should create its own General, or as deacons might elect a stile *Archdeacon* one of themselves of approved sufficiency. For, *ordination* excepted, what does bishop perform, which a presbyter may not perform?"

From this authority, Saumaise inferred, that, at Alexandria, the Presbyter elect became a complete Bishop.

ishop, by virtue of the election solely: from this authority, coupled with the *Alexandrine Chronicle*, was insisted by Blondel, that the episcopal rank was merely the station of oldest presbyter, to which an honorary superintendence was joined. Selden, the Editor of that Chronicle, maintained, that the alexandrian presbyters *ordained* their Bishop. Amongst the Catholics of that day, Petau was the foremost to combat the new discoverers: he exploded the Alexandrine Chronicle by documents more ancient.* The leading arguments of Petau were afterwards copied by Pearson into his *Vindiciæ Ignatianæ*, but without any sort of acknowledgment to their first proprietor.†

It is unnecessary to remind you, that the avowed object of saint Jerome, in writing to Evagrius, was to reprove the insolence of deacons, who, in some churches, had dared to place themselves before presbyters. The letter is therefore of that sort, which he himself has elsewhere termed *gymnastic*; which, as it informs us, allows full liberty to argue, without committing the disputant for the opinions or facts alleged: which, in short, speaks differently from what it intends.‡ If it be worth the while to deliver persuasion on the subject, Jerome solely had in view

* Petav. De Episcop. Dignitate &c. Lib. i. chap. 1, *also*, de Hieron. Eccles. Lib. i. ch. 9, and 12. Lib. ii. ch. 4, 5, 8. Lib. v. tot.

† In Vindiciæ Ignat. Part. i. ch. 11. ‡ Apol. cont. Ruf. Lib. 2.

view to establish, that *deacons* were not any class or portion of the *sacerdotal* body : that bishops and presbyters formed one priestly order. In proof of this, he goes over the texts formerly enumerated, and adds the history or story concerning the usage of Alexandria ; where, until the middle of the third century, the presbyters not only were the *sole* electors, but elected uniformly *from amongst themselves*, as if the title to episcopacy was confined to their order. Saint Jerome, indeed, pushes the phrase to an extreme, when he likens the election of the Bishop by those presbyters, to the election of a general by an army, or of an *archdeacon* by his fellow deacons. His object had been to inculcate, that the election of a bishop was the exclusive concern of *presbyters* ; but his words exposed him to the suspicion of having insinuated, that, if *presbyters* have a right to elect their bishop, an army chooses its general, it would follow, that *presbyters* can completely make a bishop, and therefore *ordain* one. He escapes from this difficulty, and secures his retreat by asking, *what can the bishop do, except ordination*, which a presbyter may not do ? thus guarding his words from an inference, otherwise so improbable to be made by his readers, yet leaving in force the generality of his assertions.

Such, I am persuaded, was the object which he had in view. But I will not urge for argument any own individual conviction. I will suppose, as when lately

Recently examining the *original institution*, that a modern writer has alleged the same words, and the Glosses, whether of Selden or of Saumaise, as one historical document. Let the name of Saint Jerome be removed.

If those ancient *presbyters* of Alexandria made a bishop without further ordination, those presbyters were *bishops* in the present acceptance of the term, and the bishop, whom they so made, was a *Metropolitan*. The synod of Alexandria was then resembling the Episcopal synods of Jerusalem. If the presbyters merely enjoyed the right of selecting always *from their own class* a presbyter to be ordained by bishops, it would only prove, what no person doubts, that the dignity of presbyter, as it stands nearest, so is naturally the most worthy of pretending to the Episcopal succession, and that the presbyters, being sole Electors, gave the preference to their own class. In either supposition a great chasm has been left. If those presbyters of Alexandria were, in fact bishops, what became of that *episcopal* body? Was it broken up at Alexandria and sent into different parts of Egypt, in order to establish local Sees? If so, the presbyters who succeeded them at Alexandria, were in fact, a new class. Was it reduced at Alexandria to its later rank? If so, by whom was this abdication effected, of which no ancient writer of Alexandria has given an account? Again; if, until the days of Heraclas and Dionysius, the presbyters merely elected one *out of their own class*, and this was the known usage from the apostolic

times, by what force, or by what law, or by what decree was the usage varied? In each supposition, all is darkness and incoherence.

The bishop *Heraclas* was cotemporary with Fabian of Rome. From the account of the election of this latter it appears, that to elect and instal in the episcopal chair, was not to *ordain*. Fabian was a layman, and attended by chance at the election. The people, excited by what they considered a miraculous intimation, cried out, that he was deserving, and placed him by force on the *episcopal throne*.* Here we have a layman seated as *bishop*. Are we to infer that he was never *ordained*?

The bishop *Dionysius* lived in the time of *Cornelius* of Rome, and when the Novatian schism commenced. To this *Dionysius* the Roman bishop addressed a narrative of that schism. From the synodical letter of *Cornelius* to the bishop of Antioch we learn, that Novatian was followed by five Roman presbyters: but still so essential was it esteemed in that age, that a presbyter (for such Novatian was), should be ordained a bishop by *bishops*, that Novatian had recourse to three simple men of episcopal rank, and living in obscure places, invited them to Rome, as arbitrators on the contested Election, and made them drunk on the road, in order to obtain the colour of an episcopal ordination. The words of *Cornelius* are, that “ he
“ procured

* Euseb. H. E. I, 6. Ch. 29.

"procured those three bishops to be shut up by means of his agents, at a late hour, and when heavy with wine and surfeit, and violently compelled them to GIVE HIM EPISCOPACY, by means of an unsubstantial and ineffectual consecration."* Would Cornelius have even argued against the claim of Novatian, if this latter had procured the five Roman presbyters of his side, to GIVE HIM EPISCOPACY, at any hour or with any the greatest solemnities? and yet the presbyters of Rome were as highly privileged in that day, as the mere presbyters in Egypt had ever been.

If those Alexandrian presbyters *ordained* their bishop from the days of Saint Mark, those presbyters must themselves have been ordained *in succession* with the *express power* of ordaining the bishop of Alexandria, and thus have been *bishops*. Again; if without any new ordination, the *presbyter* elect was bishop of Alexandria; this presbyter and his fellow presbyters must have been ordained *bishops*, from the apostolic age. That the latter was the case is what saint Jerome, at least, seems to insinuate. In either supposition the argument comes to this. At Alexandria, Clergymen called *presbyters* were, in fact, *bishops* until the
middle

* Euseb. H. E. I. 6. C. 45. Επισκοπῶν ἱερεῖς, ἀνδραποῦς ἀγροίκους καὶ ἀπλοῦς αὐτοὺς συγχληισθέντας ὑπὸ τινος ὁμοίου αὐτῶν τιταγεμένου ἀνδραποῦ, ὃς ἐκ δεικνύμενους καὶ κραυγαλέους, μετὰ βίαις ἐναγκάσειν ἐκείνην τὴν καὶ μετὰ χειρὸς ἐπισκοπὴν αὐτῶν δούκει.

middle of the third century: therefore no distinction or small difference was established, by the *original institution* of Christ, between the two orders, which, in the age of Jerome, were distinguished by the name of *bishop* and *presbyter*. Let us match this reasoning with a parallel. In the *first* century, one Peter was a *presbyter*, and one John was a *presbyter*, and they stiled themselves such, but were in fact apostles also: in the *fourth* century one Jerome was a *presbyter*: therefore it came rather from *ecclesiastical usage* than from the *original institution* of Christ, that the *presbyters*, *Peter* and *John*, were superior to such *presbyters* as Jerome.

From what source, or from what hearsay information, Saint Jerome procured the fact concerning the presbyters at Alexandria, can, at this distance of time, be only conjectured. That he relied on assertion, rather than on historical proof, is to be inferred from the vague reference to the age of *Heraclas* and of *Dionysius*. But even with regard to his assertion, that either in the time of *Heraclas* or of *Dionysius*, the elections were made at once by the presbyters without the intervention of the people, it is discountenanced by an authority, which Saint Jerome himself translated into Latin, namely by that of Origen, whom *Heraclas*, before his Episcopacy, *succeeded* in the school of Alexandria. Origen represents the appointment of bishops, in his day, as requiring the presence of all the people,
to

to the end, that each person may attest or acquiesce in the superiority of the person elected, and be ever afterwards barred from disputing the ordination.*

Nor is it on the score of reasoning alone that this illustration from Alexandria would be assailable. It moreover is subject to some curious doubting. For example; were there any *presbyters* in Egypt, *without* the city of Alexandria, from the time of Saint Mark, to the age of Heraclas and Dionysius? If there were, how came it to pass, that those good men, who by the *original institution*, were all equal to the presbyters in the capital, and equally entitled to *rule the Church* in *partnership*, were notwithstanding excluded at so early a period from appointing, or perchance from *ordaining*, the bishop of Alexandria? What! did the city presbyters, by force of an *original institution* attached to their rank of *presbyter*, create their bishop, as an *army creates its general*, and yet disfranchise the *presbyter* in the *suburbs*?

There are answers possible to be made to this difficulty; first, that in the ancient churches, beyond Alexandria, it is improbable that more than a single *presbyter*, generally speaking, was attached to each: secondly, that wherever a rural or provincial church had several *presbyters*, these also elected their *bishops*, as was practised in the city. These answers will soon prove

* H. mil. 6. ad 3. Levitic. as cited in the Decret. 2. Caus. 8. qu. 15.

prove their indiscretion. Such single *presbyter*, being equal to *bishops*, and having the care of an entire Church, should have been stiled a *bishop*, according to Saint Jerome's reasoning: yet he *could not* have been called a *bishop*, according to his historical proof. At Alexandria, the name of *bishop* was appropriated to a *presbyter*, chosen and established by his *colleagues* to rule themselves. Therefore the single *presbyter* was not a bishop according to the usage and *original institution* in Egypt. Neither could this single *presbyter* ordain. The usage of Alexandria forbade that. What then was this solitary *presbyter*? Neither more nor less than "a priest of the second order."

As to the other supposition, that, wherever several *presbyters* were attached to one provincial church, they elected their *bishop* as was done in the capital; it stands contradicted by undoubted history. The bishop of Alexandria ordained *all* the bishops of his district until the end of the third century, when Meletius, in schism, assumed the independence of a Metropolitan.

Thus the *history* and the *reasoning* would undermine one another, at least from that age, when christianity ventured to establish itself, at the distance of one day's travel from Alexandria. But something more important is yet to come. The title of *senior*, in Latin, was used by *bishops*, and continued to be given to *bishops*
until

the *fourth* century;* whereas, beyond a doubt, the title of *Episcopus*, in Greek or in Latin, was given to "priests of the second order" after the *first* century. The title of *ἐπισκοπος* in Greek, given to the bishops of Rome by Saint Ireneus,† was so strongly inculcated the necessity of an *apostolic* succession, and who enumerates those *apostles* down to his own age, in the last years of the *second* century. If in the age of Ireneus the words had to had been written, they would not afford the *weight* of an argument, either for the equality of all *apostles*, or for the pretended *original* institution. The death of Ireneus coincides with the period, when *Demetrius*, the predecessor of Heraclas, was *transferred* to Alexandria. Demetrius continued bishop almost half a century; so that, if any change took place in the ordination of bishops for the capital of *Rome*, from the accession of Demetrius to the accession of Heraclas, it must have been effected, or established itself as a new rule, when this latter *was* ordained. Supposing therefore, that, between the commencement of Episcopacy in Demetrius and the installation

Pertull. in Apol. *Præsent probati quique seniores.* In Concil. Nicæ. Contra Ephratam. Labb. ii. p. 616, Valerianus Episcopus
*Et si non omnes conseniores hic...convenissemus, suffocerat a
 de Episcopis &c.*

of Florin. Euseb. H. E. Lib. v. ch. 20. Ad Victor Episcop. Roman. bid. ch. 24. Contra Haeres. Lib. iii. ch. 2. et ubique

installation of Heraclas, the term *presbyter* was reduced at Alexandria, to the precise meaning which it bears at this day, which it bore in Egypt, in the time of Dionysius, and at Rome in the time of Cornelius, the consequence will be this; that, owing to some causes not hitherto explained, the resident *episcopal* college of Alexandria was discontinued; that no *presbyters* were any longer ordained there, with *episcopal* power; so that the provincial *synod* of the bishop of the chief City, was cantoned into various towns of his province, and developed into an apparently new system; inasmuch as those presbyters had gained thereby the dignity of supreme governors within their local spheres, and yet retained the *ordination* of their *Metropolitan*.

The first years of Demetrius of Alexandria were remarkable in Egypt by the persecution of Severus. The slaughter is described as immense: the most illustrious for piety throughout the districts of Thebes and of Egypt *proper*, were brought into Alexandria and butchered,* amongst whom was the father of Origen. In the city itself the persecution was so fearful and obstinate, that the Catechistical School, which had long flourished there, and had been successively governed by Pantenus and by Clement the presbyter, was entirely abandoned.† It is not improbable, that the Alexandrian presbyters, who took refuge without the city, were appointed bishops of the places, in which they resided.

* Euseb. H. E. L. vi. ch. 1. † Ibid. ch. 3.

resided. That their absence from the city was of considerable duration, is to be gathered from the fact, that Leonidas had been brought up to Alexandria, and was under sentence, when his son Origen was a mere boy;* that Origen was eighteen years old, when he undertook the Catechetical lecture, and that during the intervening time of perhaps five years, the schools had remained closed.† Another circumstance gives weight to this probability. The Chronicle of Eutychius, published by Selden, relates, that in Egypt there was no bishop but the Patriarch, until Demetrius ordained *three*; that the presbyters of Alexandria, until the fourth century, were accustomed to constitute and ordain their Patriarch. This piece of information was cried up by Selden, as an invaluable discovery: he was convinced, that Eutychius, (who wrote in the tenth century), had availed himself of the *genuine records* of the church of Alexandria; nay, Selden was persuaded, that the *three* bishops of the creation of Demetrius, were ordained for the express purpose of crushing Origen. Pearson ridicules the idea of *genuine records* in Alexandria, two hundred years after the *public library* had been destroyed. Selden indeed had not alluded to the *public library*, but to the *church registers*. However, Pearson gives multiplied proofs of the ignorance of Eutychius, and demonstrates, that bishops were in *Egypt* before the age of Deme-

3 B

trius.

* Ibid. ch. 2. Ὁρίγιονος ἡλικία καὶ ἐκπαίδευσις. † Ibid. ch. 5.

trius. Selden therefore and Euty chius are both mistaken, if both assert, that no *bishops* were in all *Egypt* until Demetrius. At the same time, as to that district of Egypt, which was adjacent to Alexandria, and in high Mareotis lies, and Hermopolis, and the other *paræciæ*, which, in the fourth century, were the peculiar object of superintendence for Alexandria, Pearson has adduced neither an instance nor a probability to shew, that these districts had local *bishops* before Demetrius. The notion indeed of Selden, that *three* bishops were created with a view to ruin Origen, is ridiculous, inasmuch as Demetrius had all the other bishops within his jurisdiction; but the general coincidence of the epoch, assigned by Euty chius for the establishment of *bishops*, with the loose assignment of dates by Saint Jerome for the usage of Alexandria, seems deserving of attention. Euty chius is grossly mistaken, when he continues the Episcopal authority of the presbyters of Alexandria, to the fourth century, and when he asserts, if he does unequivocally assert, that in *all the Egyptian patriarchate*, but one bishop was existing until Demetrius. Yet the particular mention of *Demetrius*, joined with the circumstances of persecution alluded to, and with the considerations, which I will subjoin, do intimate, at least to my suspicion, that, under Demetrius, a change took place in the ecclesiastical government of that church.

It

it would be injustice to Eutychius, were I to suffer reader to think, that he asserts, that the presby- at Alexandria, as presbyters in the modern sense, ordain the chief bishop. Far from this, *Eutychius* states the usage as expressly derived from Saint Mark. "The Evangelist," writes he, "established Ananias" (Annianus) "Patriarch, and twelve presbyters, who were to reside with him; so that, whenever the patriarchal See became vacant, the twelve should elect one of themselves, whom the remaining eleven should consecrate by imposition of hands and create the patriarch; and next should elect to the vacant place amongst the twelve, some distinguished man."* This prerogative of Alexandrian presbyters, he erroneously asserts to have existed until Alexander, who was conspicuous in the same Council. What does the evidence amount to? namely, that Saint Mark, when living, appointed his coadjutor and successor; that he ordained twelve or bishops with the chance of succession, but until then, to be of the council of the chief bishop; that, while the patriarch lived, he represented Christ with his

Constituit Evangelista Marcus una cum Anania patriarcha xii presbyteros qui nempe cum patriarcha manerent, adeo ut cum vacaret patriarchatus, unum e xii presbyteris eligerent, cujus capiti reliqui manus imponentes, ipsi benedicerent et patriarcham crearent, deinde ex aliquo insignem eligerent, quem secum presbyterum constituerent, loco ejus qui factus est Patriarcha.

his apostles; that on the patriarch's decease, the best was to succeed. If, instead of appointing those twelve, the Evangelist had ordained, in twelve neighbouring towns, as many men *called presbyters* with the power of ordaining their bishop, it would have been exactly the institution of a Metropolitan and Suffragans, as I have already observed. Now it happens, that the Episcopal College was established for a large tract in one chief city, as had been the case with Jerusalem. From this city, the faith is to be disseminated in every quarter, and, until it has gained a settlement abroad, the missionary authorities are organized in the parent Church. That man must have a robust constitution for *dreaming*, who will infer from such a text, either that those twelve were presbyters of the *second order*, or that no presbyters of the *second order* were of Apostolical institution. Was the Evangelist authorized to ordain his own successor? Undoubtedly he was. Again; was he empowered to ordain as many eventual successors, as he judged fit and necessary for so large a mission, and to provide against the dangers of mortality and of persecution? Undoubtedly he was. Pray then, if no churches were as yet established beyond Alexandria, what would you wish him to have done with those bishops, unless what he is represented, by Eutychius, as having done? Suppose, that in the fourth century, all the bishops of a province had been driven by persecution into the metropolis,

and

and that the province itself had been seized upon by Infidels. In such a state of things, suppose the Metropolitan to have died. Who is to chuse his successor? The Nicene Council answers, *All the bishops of the Province, if possible.** Suppose one of the suffragan bishops to have deceased. Who, again, is to appoint his successor? The same Council answers, The other bishops, but *with the consent and authority of the Metropolitan*, without which consent, it is *provided always, that the ordination shall be void.*† Now, is there any remarkable difference between the case of all the bishops of a province, being *hunted into the metropolis* by temporary persecution, and all the bishops *destined for a province being kept within the metropolis* by temporary persecution, or by temporary impossibility?

If then we will allow the testimony of Eutychius or his Chronicle to have any weight in ascertaining the more ancient discipline of the Church at Alexandria, there were men, called presbyters, ordained by Saint Mark, with the express power of ordaining their chief bishop. In other words, there were several *bishops*, (in the more recent acceptation of this term), ordained by the Evangelist; bishops however, whose powers were limited, by their original institution, to the keeping of the place of their superior, or *primate*, always full. Combining the passage, quoted from
saint

* Can. 4.

† Can. 4, and 6.

saint Jerome, with the evidence of Eutychius, there was *inequality* in the time of Saint Mark, and, from his day to the age of Dionysius, between the man called *Episcopus*, and the men called *presbyters*, in Alexandria. If we will trust to Eutychius alone, those presbyters were *bishops*, and their chief was an *archbishop* or primate. If we are content with the obscure hints thrown out by saint Jerome, still it is manifest, that, not only immediately after saint Mark, but even during his government, there was a supreme single governor of the churches in Egypt; namely, the Evangelist himself. Thus in either way, the *original equality* is cut up root and branch. Neither must it be forgotten, that this Evangelist departed from life several years before the martyrdom of Peter and Paul, and very many years before the death of the beloved apostle, John.* There were sole *bishops* consequently, namely, *primates* in Alexandria, during the lives of those three apostles, and, beyond a doubt, with their knowledge, confirmation and sanction. I am at a loss to discover, in what rational sense those *primates*, with the care of the entire church, could have been thought to hold their authority by virtue of an *ecclesiastical* usage, rather than by a title coeval with the introduction of the gospel, and coequal, because associated, with the authority of the apostles.

I have said, that supposing the words of Saint
Jerome

* Euseb. H. E. Lib. 2, cap. 24.

have been copied from an author coeval with or with Demetrius, and to have been written either in Greek or in Latin, they could not led the shadow of an argument; inasmuch the episcopal and priestly offices were most tinguished, the title of presbyter was con- he *property* of the bishop. To the instances, a proof of my assertion, I will subjoin one it appears to me decisive with regard to the xpression at Alexandria, and in an age pre- t of Heraclas and Dionysius.

t of Alexandria was a distinguished pre- re the end of the second century, namely in ars of Commodus.* As a writer he must known for several years before the death of who had seen Polycarp, ordained bishop of y the apostle, John. Clement was also the of Origen,† as this latter was of Heraclas,‡ ose Episcopacy, or after whose death, it is , that the Alexandrian presbyters ceased or alified to elect a bishop from amongst them- his Clement, relating the conversion of a saint John, declares the ~~history~~ *history* to be mat- and preserved in memory: "He states, that , being released from exile by the overthrow n, went back to Ephesus: that, from that city travel, when invited, into the bordering nations

* H. E. Lib. 5. cap. ix. and x.

† Lib. vi. cap. 6.

‡ Ibid. cap. 15.

nations, at one time for the purpose of *ordaining bishops*; at another, of *organizing churches in all respects*: and occasionally to adopt into the clergy some individual person, made known to him by divine revelation. On his arrival *in a city* not far distant from Ephesus, he gave in charge, writes Clement, to the *bishop ordained there*, and in the presence of the whole congregation, a youth to be instructed and preserved. The *bishop* undertook the trust. As soon as the apostle departed from the city, the *presbyter* took to his home, instructed, and finally baptized the youth *entrusted to him*: after which, relaxing in his care, the convert was depraved by society, and became a murderer and the captain of a band of robbers. The apostle, some time after, returning to that city, demanded from the *bishop* the trust confided to him in the presence of the entire congregation, over which he presided.*

Such is the introduction to a narrative delivered by a presbyter of Alexandria, who flourished about half a century before Heraclas was bishop, and more than two hundred years before saint Jerome, a foreigner to the ecclesiastical usages of Egypt, wrote his account of the early practice at Alexandria.

It appears from this quotation, that *Clement*, who as a *presbyter* of the original form was one of those, who are pretended to have been equal to bishops, was
however

* Euseb. Lib. iii. cap. 23. from the treatise, *προς δ' πλουσιους συζητησις*, afterwards published in the Bibliotheca Patrum.

however persuaded, that John the apostle did actually ordain a *single bishop* in a *city*, as governor of the Church, and without any fellow presbyters: it appears, that the *name* of *bishop* in the meaning of Clement, was not indicative of a *presbyter* set over his fellow *presbyters* by election, nor was the creation of a single bishop an *ecclesiastical usage*, or an *after-thought*, but was the first idea and simple cast of apostolical government: lastly, it is plain, that this sole *bishop* of the city was called the *presbyter* of the city.* Yet this Clement is one of the writers, who have borne unequivocal witness to the gradations of *bishop*, *presbyter* and *deacon*. When I argued, that whatever change took place in the ecclesiastical department at Alexandria, and about the period loosely given by saint Jerome, must have been realised in the ordination of Heraclas; when I suggested as probable, that if, until the persecution of Severus, any *presbyters* in name, but *subordinate bishops* in fact, resided in or near the capital as within one chief government, such *presbyters* on being driven from the capital, retreated

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* Ελλοι ον και οτι ετα ετι ου μακραν ωσαν ... οτι πασι το καθιστι
 προβλεψας ΕΠΙΣΚΟΠΩ κατιστησθαι τωτον εφη ου παρακαταστι-
 θημα οντι της εκκλησιας και του Χ. ηου μαρτυροι Ειναι ε μιν απηριοντι
 υπο οφειον. ε δε ΠΡΕΣΒΥΤΕΡΟΙΣ αναλαβων οσαδε τον παραδοσιντα να-
 οδω ιερειν α τ λ Χρως ιε μιν και ετοις ιερωις της χριστης
 εκκλησιας εν Ιουδαην ε δε αγιδη φησιν, ο ιεωσιντα την παρακατασταν
 αυτου ειν ιγνωτι και ο Χρως παρακατασταν οντι της εκκλησιας, δε
 ερραδίζα μαρτυροι.

to and stationed themselves in the provincial towns as local bishops; it was not my meaning to assert, that no bishops had been resident out of Alexandria, until that persecution, in the provincial towns of Egypt. I merely stated, that granting the Metropolitan See of Alexandria to have held, until then, its *synod at home*, and to have kept a large district near the capital, under the visitation of a standing Episcopal council, with the chief bishop at its head; yet the violence and obstinacy of that persecution, which after depopulating the adjacent districts, finally hunted the old *presbyters* from the city, would sufficiently account for the hypothetical change in the rank of Alexandrian *presbyters*.

It is singular, that saint Jerome, when alleging the early practice in Egypt, should have dissembled the sources whence he derived his knowledge: but it is not less singular, that Eutychius records the usage of the Alexandrian presbyters *ordaining their patriarch*, to have subsisted until the bishop Alexander. Silly as this latter assertion is, and contradicted as it is by evident history, still, as no collusion existed between Jerome and Eutychius; I suspect, that both of these writers had one and the same fact, as the ground of their several and apparently opposite assertions. The nature of this fact would justify the reserve of saint Jerome. In short, when Alexander was bishop, a *presbyter* named Coluthus was deposed by him for *blasphemy*. Coluthus, *without any new ordination*, assumed the functions of a bishop and ordained
 "priests"

“priests of the second order.” His pretensions to Episcopal authority, were examined in a synod held at Alexandria, and he was declared to be a *presbyter* in the latter signification and no more: all his ordinations were declared a mockery.*

Here we have got a presbyter of Alexandria usurping the rank of a bishop, as late as the period, marked by Eutychius for the usage of consecrating the patriarch by the presbyters: from this *attempt* of Coluthus obscurely remembered, it is more than possible, that the *practice* was erroneously inferred, either by Eutychius himself, or by those writers whom he copied. But it is highly improbable, that Coluthus would have made the attempt, in open contradiction to the Catholic usages of his day, without some plea or some colour of justification, derived from the peculiar or original constitution of the church at Alexandria. Whatever his defence might have been, it was overruled, and his party disappeared in a very short time. But he could not possibly have alleged any practice within memory; first, because such practice would have come down to us from some writer of the third century: secondly, because the appeal of Cornelius of Rome, against the ordination of Novatian, to Dionysius of Alexandria and to the bishop of Antioch implied, that the necessity of an Episcopal consecration was a fundamental law of the then Catholic Church :

* Athanas. Apol. 2. Synodic. Alexandrin Concil. Extat etiam in Hardouin. Conc. I. p. 583. c.

Church: thirdly, because if Coluthus himself had received a formal ordination resembling that of a bishop, his case would have resembled that of Meletius, whose presbyters however were not absolutely rejected: but, principally, because the enemies of Athanasius and of the Nicene Council, (which generally enacted the Metropolitan to be ordained by *all* the bishops of the province), did not impeach the ordination of Athanasius on any other ground, except, that it had been effected, by a *minority of the provincial bishops*.^{*} Athanasius regularly succeeded Alexander, and the false accusation alone would be a sufficient refutation of Eutychius, as to the duration of the supposed establishment in Alexandria.

Every truth, said Athenagoras, a primitive defender of christianity, has a lie or falsity springing up near its stock. I have endeavoured to ascertain, whether the Church of Alexandria had, at any time, the same constitution as the primitive churches of Jerusalem or of Rome; namely, the constitution of a missionary church of apostolical presbyters, concentrated in one spot, occasionally sent out upon episcopal visitation, and, when at home, subject to one chief, called the governor or *bishop*. The only authors, whom Eusebius has quoted, concerning the first establishment of christianity in Egypt, are Hegesippus, and Clement of Alexandria.† Of the former of these
writers

^{*} In eadem Synod. *ibid.* p. 574 E. † Euseb. ad finem tabulæ Lib. 2.

writers we have little or nothing extant : of the latter we have no more of the work about to be cited, than Eusebius himself has given ; but from the manner of quotation it would appear, that both concurred in relating, that saint Mark being sent by Peter as a missionary into Egypt, “ *established churches, first of all, of (or belonging to) the city of Alexandria.*”*

This text is most important, inasmuch as the phrase is singular, even in Eusebius. We have indeed, in the epistles of saint Paul, the mention of a church assembled in the house of an individual ; but neither does this last church contradict the natural explanation, which occurs, concerning those *Alexandrian churches*. The Evangelist Mark was primarily directed to the Jews established in that capital, and he is supposed by Eusebius, (who professes to have collected his second book from ancient writers, and in this particular undoubtedly from Clement), to have chiefly addressed himself to the Jews. But, besides Jews, there were heathens to be converted ; and I hold no point to be more certain, from intrinsic evidence as well as from comparing the several authorities of scripture, than that no converted Gentiles were set over converted Jews as pastors, during the apostolic age. A church of *gentiles* must have been also established at Alexandria, and this church would rather demand for
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* Lib. 2. Cap. xvi. *Τὸν δὲ Μάρκον φασὶν...ΕΚΚΛΗΣΙΑΣ πρῶτον ἐπὶ ΑΤΤΗΣ ΑΛΕΞΑΝΔΡΕΙΑΣ κτισθῆναι.*

its governor a converted heathen. As long as the Evangelist lived, these churches were equally under his controul as apostolical delegate, and as primate of those two *presbyters* or *bishops*.

Let me be suffered, in the next step of explanation, to avail myself of the work called *apostolical constitutions*. That the book has been dreadfully interpolated, will not admit of a doubt: that it was a very ancient work in the age of Eusebius, who, justly refusing to it the authority of scripture, yet classes it with the most ancient book of Hermas; that it was admitted by Athanasius as ordained by the *venerable ancients* to be read; that, in the time of Epiphanius, it contained the accurate proceeding of ecclesiastical regulation, is equally undoubted.*

It inculcates the necessity of episcopal ordination, in order to become a bishop,† as it gives a ritual for the ordination of bishops and of presbyters. But here it should be remembered, that a capital perplexity awaits the defenders of original equal right. When it is alleged, that bishops and presbyters were made by *one ordination*, we may well ask, by what species of ordination. No part of the New Testament has informed us of this essential matter. In no canonical record, if we abstract from the ever-living authority of the church, is there to be found a precedent of words or of gestures for the ordination of a *presbyter*:
and

* See the testimonies in Cotelier.

† Lib. 3. cap. xi. et xx.

and yet, if the office be necessary in all ages, the rule should be undoubted in every time. The learned Beveridge, a protestant writer and afterwards a bishop of the church of England, saw this, and has anticipated the necessity of proofs by me, that the perpetuation of the Hierarchy was finally modelled *after* the completion of the books of the New Testament, thus surrendering to *tradition*, aye to tradition! the continuity of gospel efficacy, and the certain succession of functionaries with apostolical mission.

In the so called apostolical constitutions the first bishop is said to have been consecrated by Mark: the second bishop by Luke the Evangelist.* On this I rely no farther than to infer, that when those constitutions were put together, it was not known, that *presbyters* ordained the bishop of Alexandria from the days of saint Mark, and that the bishop ordained by Luke, himself a convert from Heathenism,† must have been also supposed a convert from Idolatry.

To return to Eusebius; this writer, upon more ancient authority, not only relates, that christian churches were established beyond Alexandria by saint Mark, but goes so far as to pretend, that in the description

* Book 7. chap. 46. The eighth book of the constitutions is not quoted or alluded to by any ancient writer. The interpolations, which degrade the work itself, are taken from Heresies subsequent to the age of Constantine.

† Ad Colossens. cap. iv. v. 10, 11. Salutat vos...qui sunt ex circumcisione v. 12. Salutat vos Epaphras. v. 14. Lucas,

scription of the Therapeuts given by Philo, the system of christian government, as prescribed by saint Mark to the believing Jews of Egypt, with deacons, *presbyters and bishops*, and as practised chiefly in the districts round Alexandria and beyond the Mareotis, is exactly described.* From this I infer, that, in the persuasion of Eusebius and of his ancient vouchers, there were *bishops* as distinct from *presbyters* as from *deacons* established by saint Mark in the vicinity of Alexandria, at least of the baptized Jews.

On the other hand, in recording the succession of bishops to the four great Sees, Eusebius apparently distinguishes the church of Alexandria from the others. From saint Mark to Julian the predecessor of Demetrius, each succeeding bishop is mentioned as governing the *paroecia* or *district*, and one bishop as governing the church of Alexandria. Julian is the first, whom he states to have acceded to the episcopal government of the churches belonging to that capital. The same expression is used with regard to Demetrius his successor.† If any weight is to be allowed to this observation, it may be inferred, that about the first year of Commodus, some new local and resident bishops were appointed, subordinate to Alexandria.

It would remain to be enquired, whether any thing can be gleaned from Eusebius, as to the anterior constitution of the Alexandrian church. Now I think,
that

* Euseb. H. E. Lib. 2. cap. 17. † L. b. v. cap. 9, et 22.

that the following passage, hitherto unobserved, is sufficient to demonstrate, that it preserved the missionary form, until the age of Julian. During the episcopacy of this latter, according to the historian, Pantenus flourished, a convert from the stoical sect. Such was his zeal, that he was *created an Evangelist to the eastern nations*, and actually travelled as far as the Indies.* This Pantenus of course must have been ordained a bishop. But more. Eusebius adds, that even in that age there were several men *ardent imitators of the apostles and evangelists, of whom this Pantenus was one*.† Lastly he informs us, that Pantenus, after his mission, was appointed doctor of the catechetical school of Alexandria.‡

We have thus found a rural bishop in rank, and more in apostolical precedency than a bishop, returning to hold the station of a presbyter under Julian; which cannot be surprising to him, who will recollect, that the Nicene council willed, that the Catholic should admit the Novatian *bishops*, when reconciled, at least to the station of presbyter. The continuance of an evangelical spirit, of which Eusebius speaks, must naturally be referred to the church of Alexandria in the first instance.

Enough of this disquisition, to which nothing less than the name of saint Jerome could have bestowed the slightest interest, and of which the result is per-

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* Ibid. chap. 10. † *ibid.* ‡ *ibid.*

fectly a matter of indifference to Catholics. If the early practice of Alexandria was such as is pretended by the anti-episcopalians, then, beyond a doubt, such practice was an exception to the practice of the other Catholic churches, and was privileged or was erroneous. But if the practice was merely, that the presbyters not only excluded the people and inferior clergy from *voting*, but also kept all, except presbyters aloof from the chance of episcopacy, (and this, to a certainty, is the utmost of saint Jerome's assertion as to the matter of fact), the Alexandrian usage of those days has as little to do with the *divine* right of episcopacy, as the election of a pope would have to do in modern times. The pope, when once elected by the cardinals, and from amongst their body, although he should not be even a sub-deacon, is proclaimed *bishop* of Rome ; is enthroned and worshipped as such, and performs acts of ecclesiastical jurisdiction, before he is consecrated. All that saint Jerome has related of the ancient Egyptian usage, has, at the very least, a parallel in the modern Roman usage ; in which, notwithstanding, the consecration of a bishop of Rome must necessarily be performed by bishops. Upon the whole I fix the sacred anchor here. The presbyters of Alexandria were either synodical *bishops*, as Eutychius informs us, (that is to say, were empowered to ordain *sede vacante*, yet not qualified on any other occasion to ordain, without the *auctoritas* of their

their chief), or they were presbyters of the more recent appellation, or they were a class of men at present unknown, and therefore extinct in the Catholic church. In this last case they were not of *divine institution* for the universal church; because the universal church cannot possibly forfeit or abolish any divinely instituted function of the new law. If they were presbyters *not* bishops, that is to say, if they received *no express mission to ordain*, they of consequence did not ordain, or else their ordination was void, and would have been disallowed by the other churches, which appears not to have been the case; and therefore no mere *presbyters* at Alexandria did ordain. The ultimate consequence is this, that those, who by Eutychius are stiled presbyters of Alexandria, were in the modern sense bishops, and that those, who, according to saint Jerome, *elected the bishops* until Heraclas and Dionysius *did not ordain*.

Let me again impress on your mind, that, from the selection of the twelve *apostles*, there was inequality amongst the *disciples* of Christ: that, from the preference given to Peter and to the sons of Zebedee, in the manifestation on Thabor, and from the secrecy enjoined them, there was inequality, as to trust and confidence, amongst the apostles themselves: that, after the Resurrection, when Peter received the charge of every member of that fold, which belonged to his master, there was inequality between him and the sons of Zebedee; and that the question
put

put to him by the Redeemer, “*Lovest thou me, more than these do,*” went to justify the pre-eminence about to be imparted.

Even CHRIST appoints his successor : yet the twelve were compeers in rank, in authority amongst the disciples, in universality of mission, in representation of Christ, in all salutary powers. The twelve had succeeded by express appointment to the heavenly mission of the Redeemer, and by the communication of his breath and spirit. When therefore that ulterior commission, was given to Peter, its great use was, not to controul an equal apostleship in his brothers, but to be a model and precedent, and a fundamental rule in that church, which was to outlive the apostles. The twelve were to be parted from each other, and to preach in regions widely distant. But a promise and assurance had been given to Peter, that the peculiar church of Christ was to be built upon *him*, and that this church *on Peter* should endure. Again ; to Peter is entrusted the government of the fold, at the very same time, when it is predicted, that John is to survive him. Yet to John no eventual charge of the church of Christ is given. To any man, catholic or protestant, who will coolly reflect on these points, I would not hesitate to put the question, whether the *point of sight*, in the view of those gospel promises, is not determined in Peter, as the foundation stone of a church to be recognized by his name, and to the vi-

carial government of which he succeeded, not by votes, nor by survivorship, nor by desert alone, but by the prophecy of Christ before his death, and by the proclamation of Christ after his resurrection ?

Again ; what was the peculiar church of Christ, or where was it to be founded ? Let the universal church reply. It was to be the church of the Gentiles and to be founded amongst them. Let the fact answer. No other church has Christ built, as his own ; because his own was to last for ever, and the christianity engrafted on Jewish observances was able to save the believer, but not to reprieve the system from its doom. The church of CHRIST was to be the church of CHRISTIANS, and, in fact, the name of *Christian* was first used to denominate a Gentile converted to the gospel*. The great church of Christ was to be a conquest upon heathenism:† and as soon as this church should be founded by the preaching of the gospel throughout the world, the consummation of the Mosaic establishment was to follow,‡ and of every establishment, which held from the Jewish dispensation, or associated with it beyond the necessary points, whereby the titles of christianity were derived through the evidence of the oracles of God, and through the promises, made and recorded in those oracles, of the approach, majesty, disguise, sufferings and other properties of the CHRIST ; with his rejection by that Jewish church, and with the
reprolation

* Acts xi. 26. † Matth. xi. 42, 43. ‡ ibid. xxiv. 14.

reprobation of that Jewish people for their act of denial, when this Messiah was surrendered by them to the heathen power.

When I say, that the peculiar and prophesied church of Christ was to be built upon the site of Hea-thenism, let me not be understood to assert, that the congregation of Jewish believers, at Jerusalem, who were the first to receive the gospel and the Paraclete, did not constitute a church of Christ. Far from such an opinion, I distinctly say, that as long as the centre of apostolical residence and government abided in that city, its church was not only the parent, but the principal and governing church. What I deny is, that this church possessed an organization other than temporary. What I deny is, that it was empowered, or was constituted to keep within itself either the chief authorities or the promises of the gospel. I deny, that it was the church *never to be overthrown*; or that it was destined to be the ever visible chief of christian churches, and therefore never to be overthrown, though always to be open to assault. For it was overthrown and annihilated, and yet *the Church* exists and will exist.

It is certain, however, that to all the apostles individually and collectively was imparted a coequal authority of preaching the gospel: that to all the apostles, at least collectively, was given the right and charge of replacing their own grand mission, and sovereign rank. At the same time it is undoubted, that
a general

a general trust, and a certain office, regarding the permanent establishment of the church, was assigned to one apostle by name. If therefore the Apostolic college and supremacy of mission was intended to be represented in perpetual succession, (and that it was so intended is manifest, if the christian polity was intended to be perpetual), it follows, that not only the *general* mission of the twelve should be transmitted, but that the peculiar office of that individual apostle should be kept up, which consolidated and gave form to the collective authority of his colleagues ; in other words, that no apostolical succession can be true, unless perfectly corresponding, in all that is of divine institution and of obvious necessity : that therefore the successors of the apostolic college cannot be without a successor to the chief of that college.

But when, and where, and by what appointment did the apostles at large constitute their successors ? To these questions, if one peremptory answer should be required, we must briefly say, that we know not. In return, we have a right to ask, upon what cause it is taken for certain, that *all the apostles* did appoint successors, each for himself. Concerning the twelve apostles, properly so called, (namely, the original Eleven and Matthias), we learn from the new Testament, that they remained at Jerusalem after the martyrdom of Stephen, and notwithstanding the persecution which ensued : that one of them, James, the brother

brother of John, was slain by Herod: that, at the synod and consultation regarding the ceremonies of the old law, Peter and John were present, and James, (if we will suppose *this James* also to have been of the twelve); and here closes all our explicit information concerning the stations or missions of these apostles, excepting only Peter and John. During the period, in which those apostles are recorded to have been in Jerusalem, it appears, that to Peter was yielded the *auctoritas* or right of originating and propounding all matters of general concern and of new emergency.*

It is probable, that, when Cornelius was baptized, some of the apostles had departed out of Jerusalem and were stationed in Judea, as governors of the circumjacent churches. The office of bearing witness in Jerusalem, and *throughout the entire of Judea and Samaria*, was not expressly committed to them, as that of going forth to *teach all nations*, and was to precede, in order of time and dispensation, the more general mission. What therefore is written in saint Mark, that they (i. e. the original Eleven) went forth† evangelizing every where, is to be most probably referred to that later period, when the apostles, convinced that the Jewish malice was not to be appeased, and forced to consult their own safety, were led to determine on withdrawing from Palestine altogether.

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* Acts. iv. 15. et sequ. ii. v. 14. et sequ.. v. 37. 38. iii. 12, iv. 8. v. per tot. viii. 19. ix. 32. x. per tot. xv. 7.

† Marc. Cap. ult.

such is exactly the period assigned by Eusebius* for their dispersion. Besides which obvious reflection, it is manifest, that James of Zebedee had never gone out from Judea, and that James, the brother of the Lord, if one of the twelve, had habitually, until his martyrdom,† resided in the capital. Thus, with the exception of two at the utmost, we know not either the names or the number of those apostles, who may have survived James the just, or may have gone forth to preach to the nations.

However the ancient tradition in the time of Origen was, that Thomas went into Parthia, and that Andrew went into Scythia. Of the final destination of the others, or of any special successors ordained in churches, possibly founded by them individually, nothing is known, and nothing has survived. All the christian churches now existing, or that have existed, during these many ages, trace their origin to disciples, or to John, or Peter, or Paul.

Whatsoever may have been the destination of those apostles, it is certain from the scripture, that as long as Peter lived, the chieftaincy of pastoral rank, the universality of pastoral charge, and the support and foundation of the church of Christ were attached to

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* H. E. Lib. iii. chap. 5.

† I say habitually; for, that afterwards he and other apostles visited, at least, the churches in Judea and Samaria, which were of the circumcision, seems to be probably inferred from Cor. i. chap. 9. v. 5.

his person : that, as long as he lived, he held the *keys* and power of ordering, by direct commission; and that, if even it so happened, that all the original apostles had suffered martyrdom without organizing a single church, Peter was competent to institute and to ratify, with the authority of Christ, such a government and such orders in the christian polity, as would be exclusively *the church*, and would exclusively hold the promises, truth, and substance of redemption. Now, did the apostles, before they separated, establish any uniform rule for demising their trust? If they did, such rule must have had the concurrent authority of Peter. Did they, when scattered, individually and by the apostolic power vested in them, appoint successors, or chief governors of the churches they had founded? If they did, those churches were subject to Peter's arrangement, after the deaths of the founders.

There are but two suppositions, which could admit of a doubt; the first, whether, if Peter had died, leaving the apostolic college entire in Jerusalem, the nature of his office would have devolved to the apostles as a body; the other, whether, if Peter appointed a successor, not an apostle, that successor was under the authority of any surviving apostles. Of these difficulties the former was provided against by the author of christianity, and will afford matter for consideration shortly: the other difficulty shall be taken into account at the same time. But let us collect some facts.

When

When Paul and Barnabas went up to Jerusalem for the great consultation, saint Paul conferred his gospel in secret with the *principal* governing men in the parent church; and therefore there was a marked superiority in some few persons there, as to the giving or withholding missionary powers. But there is much more still. *Three persons* at Jerusalem, namely Peter, John and James, entered into a compact of *partnership* with Paul and Barnabas, that these latter should evangelize the Gentiles, and those three should evangelize the Jews and Israelites. Here is a *partition*, temporary I acknowledge, but formal and solemnly made of the entire missionary world, between Paul and Barnabas, (neither of whom were original apostles), for the Gentiles, and the three already mentioned for those of circumcision. At this time therefore, the paramount functions of organizing the christian system, and of accrediting apostolical rank, was either restricted or surrendered to *three*, of whom two only are undoubted apostles of the original nomination; of these two, one, namely Peter, had been ordained the general pastor of the church, and the strengthener of his brother apostles; the other had been, from the first, the companion of Peter, and, from the day of the resurrection, his secondary associate. Such are the facts; and brief and few as they are, they overturn all the plausibilities of an original equality in the church government, by one undoubted practical

practical instance. For I would ask once more, were the other surviving apostles on the spot, when Paul and Barnabas were thus associated by the *three*? were the other apostles absent? were they dead, or not expected to return? If they were *on the spot*, it follows, that the three persons, named by saint Paul, exercised a right of examination *apart* from their brethren, and held, distinctly from them, a principal authority. If the other apostles were *absent*, it is plain, that the chief and most authentic power of the new law abided in the council at Jerusalem, and resided pre-eminently in three persons belonging to that council; that to this authentic synod, even Paul found it necessary to recur, lest all his exertions should prove vain. Lastly, if all the other apostles were deceased, or were not to return to Jerusalem, it appears, that these three principal men were competent to bestow a partnership in apostolical rank; to give and to withhold the *exterior* confirmation of doctrine taught, or of church system ordained by Paul himself.

Thus even the supernatural vocation of Paul, and the *charismata*, which placed his mission beyond doubt, were recalled to the standard and principle of Unity. Without these new credentials he could not have identified his gospel with that of the original *eleven*, to whom in general had been authoritatively and irrevocably entrusted the supreme mission, and the spirit of pardon and peace and truth. Much less
could

could he have reconciled his preaching *independently*, with the acknowledgment of that individual directing power, which had been established in Peter. His miraculous energies, his incomparable zeal, his supremacy of genius and his burning eloquence might have divided indeed the whole house of Christ against itself; but, great as they were, they could not have wrested either from Peter his prerogative, or from the apostles their commission, or from the believers, or those, who were destined to believe, the natural and necessary persuasion, that he came in as an auxiliary, and that his titles might be either temporary or might be lasting, as they should be recognized by them, whose titles were more ancient and were immoveable. In order to obtain this recognition, Paul considered it enough to have gained a *partnership* with Peter, James and John. This partnership he obtained jointly with Barnabas, but in consideration of his own extraordinary claims.

At this epoch having found, that the exercise of a highest authority was apparently possessed by a few out of the twelve; we may discuss, as an abstract question, whether the special province assigned to Peter was such, as the other apostles, surviving him perchance, could have succeeded to; or whether it was necessary before the decease of Peter, to detach the office, superadded to his apostleship, from the co-equal powers of all the apostles as such.

I think

I think, that the special charge of Peter could not have been taken up by any surviving apostles, for these reasons. First, because it was necessary, that the lasting or gentile church, to be built upon Peter, should distinctly refer its constitution to him, and should avail itself of the prediction and affirmation thus made to the son of Jona. Consequently, the principle of union and of consolidation in the church should be established for ever, by Peter himself. With what consultation this was to be done, I do not presume to conjecture. But if upon his decease any one of the apostles took up this office, by his right of apostle, the two principles, which had been clearly and separately introduced by the Author of religion, would have been confounded. The claim of survivorship would have applied to every apostle, until you came to the last. Here would begin the immense chasm. If the church, at this time, and not before, were built up for perpetuity, the church in fact and truth would have been built up, not *partially*, but *universally* on the last of the apostles. I cannot see how this could stand with the divine assurance, which rendered it necessary for the church to be able to say with truth, that it was built upon Peter.

Secondly, the peculiar office of Peter was the original, and the justification of a visible uniting and reconciling

mediating agency in the church for ever. This office derived, *not* through the apostles to him. It was *not* essential to their individual equality, but necessary for ordering the members of that class, by the introduction of mere disciples, and of the converts of apostles. If this office of Peter upon his decease were transferred to other apostles, the inequality between the powers of government in the church, before and after the death of all the apostles, would be so great, as, humanly speaking, to produce mere anarchy, when the apostles should have departed: whereas, by detaching the charge of Peter from the apostles, and by transferring it to the supplementary functionaries of the church, the dignity of the surviving apostles would sufficiently protect them from the control of such functionaries, and, as soon as those apostles were extinct, the new church of Christ would be ready to succeed universally and uniformly, with a government bearing within itself and in all its parts the principles of unity, order, communication, life, and production. The new church thus arranged and quickened would be the CATHOLIC Church.

You insist upon my declaring, by what means such a gradual change could have been effected, I answer, first, by rendering the apostolical authority permanent, and by giving territories or allotments (*κλήματα*), to each apostle for the exercise of that authority: secondly, by appointing coadjutors to each apostle in the rule of such allotments

allotments. Again; if you ask, by what means the peculiar office of Peter could be transmitted to an *inferior*, as long as the other apostles survived, I answer; by rendering the allotment of Peter the point of communication in faith and charity for all those local churches. If you ask, by what means this church of Peter could be founded, so as to gain, over the other apostolical churches, the same *auctoritas*, which Peter had enjoyed, and might have expressly, but *must* have virtually transmitted, I answer; by constructing that church of Peter so perfectly in its form, and so finished in its members, by marshalling its spiritual offices and its social powers so well for missionary conquest, or for virtuous advancement, or for daily martyrdom; by raising it to such highest point of knowledge, of zeal, of charity, of hospitality; by teaching it so fully to consider itself as the great church of the Gentiles; that in proportion as the personal dignity of apostles, (if any survived Peter), should pass away, and, as soon as the church of circumcision was seen to totter under the heavy-descending judgment, all other churches should naturally conform their polity to that of the best and most finished church; should confederate under that form, and necessarily allow the precedency and pastoral care of Peter, to have rightfully and by divine provision descended upon his successors in that local jurisdiction. If doubts should arise, in process of time, whether
that

that church inherited the *confession* of Peter; if those doubts should be answered by the fact, that by that church signally all assaults on his confession had been repulsed; whoever would believe in the prediction, would be persuaded of its fulfilment, in such a manifest shape, as corresponds with the greatness of the Promiser.

Now, if I must return to the difficulty I lately suggested, whether the successor of Peter would be subject to the controul of apostles surviving; I beg to ask, whether, after the compact, between Paul and the *three*, that those to be converted by Paul and Barnabas from the Gentiles, should *not* be under the controul of the church of Jerusalem, this church, notwithstanding the compact, would have intermeddled with Paul's recognized authority? That partnership, it may be objected, was temporary. Undoubtedly; but, in relating it, saint Paul sufficiently declares, that, according to *his* gospel, the Gentiles were to be removed from under the controul of those, who were zealots for the Mosaic law. The apostles beyond a doubt were the highest authority, when assembled: when dispersed, they were *undoubted* authority for all who approached them. But after a division of missionary departments, and when their jurisdiction became stationary, it is not to be conceived, that they would ordinarily controul the functions of local churches, beyond their several spheres. We have

learned from Clement of Alexandria, that saint John was wont to travel beyond Ephesus, *when besought* to organize churches or to appoint bishops. In the Apocalypse we also observe, that he mentions only the bishops within the Asiatic district. From other observations, with which however I will not load this letter, I consider it plain, that no *apostles*, after the breaking up of the council at Jerusalem, interfered with the churches instituted primarily amongst the Gentiles by Peter or by Paul, except John, as above mentioned.

The difficulty I stated, being generalized in its form and assayed by the test of fact, will now appear so trivial, as scarcely to apologize for its introduction. For my part I should regret to have been the first to start, or to answer such a doubt. You will recollect, Reverend Sir, as my excuse, that this very difficulty, narrowed into a polemical question, and debated with great subtilty, pother, and bustle, nay with pious jealousy, has occupied many notable and demure writers. The laborious anglo-german Editor of saint Ireneus, J. Ernest Grabe, discovered, more than a century ago, that in his author's persuasion, James the just, bishop of Jerusalem, was a *chief above Peter*. Such indeed was not the persuasion of Herod, when he seized on Peter, nor was it the idea of Paul, when he went to Jerusalem in order to obtain his acquaintance. But Herod was not an *Editor*, nor was Paul an Ebionite. Before Grabe, Henry Dodwell, a native of our Dublin, and a man who irritated an extraordinary

traordinary sagacity from nature into a delirious temperament of paradox, had written, and attempted to prove as much. He maintained, that after the death of this James, the kinsmen, according to the flesh of our Redeemer, were the primates of all the churches. All this he proved chiefly from Hegesippus, whose credit had been attained by Scaliger in a most contemptuous refutation, and whose words moreover, were misconstrued by Dodwell; from Polycrates of Ephesus, in his answer to Victor of Rome; although Polycrates mistook Philip the deacon for Philip the apostle, and mistook John the evangelist for a *Levite*, and for one entitled as a Levite to wear in Ephesus the *diadem*, which, by the bye, none but the high priests could wear. These ideas our fellow Dublin-man, in his treatise *De nupero schismate anglicano*, dedicated alike to the *professors of the gospel*, i. e. protestants and *papists*, for the double purpose of reclaiming the latter, and of interesting both descriptions to consider as null the ordinations of those, who had been put in the room of the dispossessed *non-jurors*. To skip back over three hundred years, Wickliffe had anticipated the *lights* of Dodwell: Near one thousand years before Wickliffe, Rufinus had *seriously* (he was most serious in his predilection for every thing not genuine), *given back*, as he terms it, to the Romans, that is to say, translated and interpolated a fabricated work, entitled

titled the *Recognitions* of Clement,* in which Peter is said to have been enjoined by James of Jerusalem to send him a report of his mission. Rufinus also translated a pretended epistle, from the same Clement who was bishop of Rome, or from Peter himself (for the same forgery bore the names of either), wherein James is stiled the *bishop of bishops*. I will not honour such fabrications by attempting now to shew at what time they were invented. I will be content with mentioning, that in their rude state, they were the attempts of the second century to recruit the expiring Judaitic church, with auxiliaries from the great church of the Gentiles. Two brief proofs I will give of this truth. The name *christian* is never used for a believer in Christ, in any of the works falsely attributed to Clement, but *Jew* solely. Again; Peter is introduced condemning Paul the apostle, not by name, but by most exclusive designation, as a revolter from the ceremonial law. Could Clement, a disciple of Paul and successor of Peter, have written thus? For what purpose

* So called from the mutual discoveries made by Clement, his father and mother. The *Recognitions* we have only from the translation of Rufinus. The same subject however is given in the Greek *Clementine Homilies*, a work apparently completed towards the end of the third century, and, to do it justice as a romance, a most splendid performance for stile, plan, and argument. The vestiges however of Judaism are apparent from the inconsistency between the parts corrected, and the scope of some principal arguments, which did not admit of verbal castigation.

~~Poss~~ could this have been written, unless for that of
~~subjecting~~ the disciples of Christ to the servitude of
 Moses.

In shewing, as I have done, by what natural pro-
~~cess~~ a certain church might be instituted, to which,
~~even~~ during the life-time of apostles, would appertain
 by succession the function of Peter, and the inheri-
 tance of his leadership, however this leadership might
 be necessarily qualified or locally suspended, by the
 personal and temporary authority of apostles; it was
 not my purpose to enter into the question regarding
 papal primacy. My immediate object was, to manifest
 the vanity of an objection, which, like the *Achillean*
 argument to disprove the existence of motion, seems
 intricate, because it falsely divides a plain idea, and
 omits *change* in the enumeration. As to the elements
 of that natural process in the *translation* of church
 authority, I have only to mention, that they are partly
 taken from the recorded instances of apostolical prac-
 tice, partly from the most authentic histories, or from
 the testimony of the most eminent protestants. As I
 am not on controversy now, but in mere explanation,
 I will add one or two instances, from which it will
 appear, that an office had been given by divine autho-
 rity, and yet subsequently received an apparent con-
 firmation from men.

The promise of leadership and of renown amongst
 his

his brothers and of command, until the arrival of Him, who was to be the expected of the Gentiles, was made to Judah by his father. Yet Saul of Benjamin is appointed the first king of all the tribes. To those who witnessed the subsequent reign of David, it was plain, that the reign of Saul was but the preparation of Judah's throne. But by what progression does Saul himself enter into that dignity? First of all, he is chosen by a divine revelation made to Samuel, who is expressly ordered to anoint him as king.* Next he is chosen by lot and declared king by acclamation;† thirdly, he gains a battle and is solemnly inaugurated.‡ To those, who merely witnessed the election of Saul, it would appear, that providence had then, for the first time, declared his title. If they also witnessed the defeat of the Ammonites, they would be persuaded, that this was an evidence and confirmation of divine interference in the election. But for Samuel, at that time, and for those who afterwards came to learn the original appointment of Saul, not only this victory, but that election was but the developement and consequence of the private choice.

Again; while Saul is yet king, by Samuel also a new king is anointed, and the divine title is transferred to David.§ Yet Saul continued outwardly the
Sovereign,

* 1 Kings (as in Vulgate and lxx; of Samuel with the Jews). ch. ix. v. 16, 17. ch. x. i.

† Ibid. v. 19 to 24. ‡ Ibid. xi. v. 15.

§ Ibid. xvi. v. 1. and 13, 14.

Sovereign, and David professed and proved loyalty to him. Upon the death of Saul, the tribe of Judah anoints David for *their* king.* Lastly, when, more than seven years after, the son of the former monarch was assassinated, the remaining eleven tribes chuse and anoint David as their king, remembering his achievements under Saul, and *yielding to the prophecy which had named him to reign.*†

To recapitulate what I have lastly argued ; the Jewish church of believers was not possessed of the forms, nor could it appropriate the chief authorities of the lasting church: the precedency enjoyed by the Jewish church must have been plainly temporary, because its abdication was an essential feature in the predicted establishment of the Gentile church of *christians*: the inauguration and ordering of this latter church was assigned to one apostle by name ; and, in all reason, although his function of primacy might be transmitted, yet his personal and marked office, superadded to his chieftaincy, namely, the office of organizing the church of Christ, was to be performed in his life-time. I therefore now conclude, that a lasting mode of church government was resolved and enacted in the life time of Peter, and with his authority ; and that, if this mode was agreed upon before the dispersion of the apostles, it amounted to a compact, that *all* should recognize those established as
governors

* II Kings (or Samuel) ch. ii. v. 4. † ch. V. v. 1. 2. 3. 5.

governors by *each*. If it was agreed upon by the principal men, with whom Paul concluded the treaty for himself and Barnabas, or lastly, if, after the death of James the just, it was the joint consultation of the three apostles, Peter, John and Paul, the truth is still the same, viz. that the power of the keys, in other words, that the fulness of divine authority gave effect to this transmission of power.

But does it appear from undoubted history, that the apostles, or any of them, established the mode of episcopal succession? It does. Clement of Rome, the coadjutor of Paul, and ordained by Peter and by Paul the bishop in Rome, reminds the Corinthians, who also boasted of Peter and Paul as their teachers, and who had fallen into schism amongst themselves, that "*our* apostles" (i. e. Peter and Paul), "*knew, through Christ, that contentions would arise on account of the title of episcopacy: for this reason they, having received a perfect foreknowledge, ordained the persons already mentioned, and gave the appointment of those, who were to be put in their stead.*" The authority of apostles to appoint bishops and deacons, Clement had justified by their mission from Christ, as well as by the evidence of prophëcy. This document was in the age of saint Jerome, the most ancient, next after the new testament: it is perhaps coeval with the gospel of saint John, but was written at least before
his

his death.* It is most likely, that in *the commentary by Jerome on Titus* either the saint himself, or those from whom he compiled, had the letter of Clement in view, and the second schism in the church of Corinth, which the commentary identifies with the first schism. To the former disturbance Clement adverts: he terms it *revocable* in comparison with the latter. You formerly divided, urges he, on account of Cephias and Paul and Apollo; the two former were apostles of same: Apollo had the sanction of both. But now the table and *original* church of Corinth is shamefully reported to be in sedition against its *presbyters* (bishops) owing to one or two pretenders. Saint Clement, however, fully vouches for the apostolical institution of episcopacy, as an object of ambition, and as a title of pre-eminence.†

Peter therefore and Paul established the rule for appointing bishops, at least in the church of Rome

§ G

and

* Ad Corinth. i. P. P. Ap. Cotelier. Edit. Ie Clerc. i. p. 174, & Ἀποστολὴ ἡμεῖς ἐγράψαμεν διὰ τοῦ κυρίου ἡμεῖς πάντες χρεῖται, ὅτι ἐπὶ ἑστί ἐν τῇ τοῦ σώματος τῆς ἐκκλησίας, διὰ τούτων οὐκ ἐστὶ αὐταῖς ἀπογινώσκειν ἑαυτοὺς ἑαυτοῖς, κατεστῆσαν τοὺς προσηγορευμένους καὶ μετὰ οὐκ ἐστὶν δίδωσθαι.

† In the letter also to Evagrius, the passage, *et ut sciamus traditiones apostolicas sumptas de veteri testamento*, appears plainly borrowed from this letter of saint Clement, §. xl. wherein he proves the necessity of subordination from the division of functions in the temple. Still in that to Evagrius there is one capital variance or omission; namely, that Clement urges the right of apostles to organize the church, as equally divine with that of Moses.

and of Corinth. The episcopacy of Alexandria is also owing to Mark, the disciple of Peter. The episcopacy of Antioch was first held by Peter, whom Evodius succeeded, and then Ignatius. The martyrdom of Ignatius took place about eight years after the decease of John the apostle, whose disciple the holy martyr had been. In the letters of this martyr, acknowledged genuine by every man not fanatically ignorant, not only sole episcopacy is inculcated as of the authority of JESUS CHRIST, but is distinguished as supreme in the church, over the offices of presbyters and deacons.* *Sole episcopacy* indeed is clearly mentioned in the apocalypse; so that the authority of Ignatius is not wanted on this point. However, that the three classes of the hierarchy were then drawn out and arranged throughout Asia, *as having divine authority*; that the voucher for the divine authority is one of the greatest of martyrs; that this man should appeal to Him, as he does, for whom he was about to suffer, that he was enjoined by the Divine Spirit to inculcate every-where the *necessity* of adhering *to the bishop*, is for christians a demonstration, that the government by bishops is essential and fundamental in the church.

If we take into consideration, that these letters were written after the destruction of the temple of Jerusalem, as well as after the death of the apostles; that this epoch is the beginning of the manifestation of the church

* Ad Philadelphæ, vii. Le Clerc's Ed.

church of the nations, enfranchised from the slavery of its parent ;* that it became necessary at this time to extend to all the local churches, that system of church government, which, as I maintain, had been originally and permanently founded by Peter and Paul in the greatest Gentile church ; the inference will at once present itself, that it was in the shape and with the attributes of this continuing and perfect government, the church of *christians* was born to independence ; that, as soon as the authorities of the gospel devolved to the Nations, those authorities manifested themselves at once, as they still are displayed and for ever will persevere.

The name of *Catholic* church is first to be met with in the writings of saint Ignatius : that however it was even then a term of sacred import and of well known acceptance, is plain from the manner, in which he employs it.† The term therefore is preserved to us from a tradition anterior to Ignatius, in that *symbol* or *contesseratio*, stiled the apostles creed, wherein to *Catholic church* is immediately subjoined the PARTNERSHIP OF SAINTS. As long as the apostles lived, it is probable, that all the converted Jews yet persevered in communion with Jerusalem, as possessing the new hopes, which they embraced, and the old authorities,

* Paul. Ad Galat. iv. 22. et sequ.

† Ad Smyrnm ἵναυ αι φαινη εἰσισκομετες και το πληθος ισχυι, ὡς περ ἐξου
 εν τῷ Χριστῳ Ἰησοῦ, και ἡ ΚΑΘΟΛΙΚΗ ἐκκλησια.

rities, which they would not forego. By the destruction of the temple this centre of communion was translated, or disappeared for those of circumcision. From Titus to Adrian, when the Jews were interdicted from coming into their once sacred city, the Jewish christianity of Palestine had been decaying; so that, after the building of Ælia, we hear of no more christians of that denomination. That few of the *Gentiles* converted, from Cornelius the Centurion until the death of Paul, went up to, or held *direct* communication with Jerusalem, is next to a certainty. The term, *Catholic*, must have sprung up and been sanctioned, in order to embody the church of *christians*, when all the Gentile churches, recognizing each other, became One in confederation and partnership; when, in asserting their unity with each other, they claimed identity with the establishment of Christ, and vindicated to themselves, as One, to be the depository and the home of all the salutary powers, which the Redeemer had confided to mankind. This term, *Catholic*, did not primarily mean *extension*, but *indivisibility* and *reciprocal property* of heart, of faith, of titles, of authorities, wherever *Catholic church* existed. Thus Polycarp, the disciple of saint John, is entitled, in the original acts of his martyrdom, the bishop of the *Catholic church* of Smyrna; and it is there recorded, that after his arrest, he prayed for all classes of men, *belonging to the Catholic church* throughout the world.

Thus

thus the *state* of christianity became entirely removed from the Jewish soil and titles.

But this partnership and unity could not be realized, unless by simplifying in each church the authority, through which it corresponded or was destined to correspond with all the rest. No local church could have entered into a system of unity with all churches, if within that given church, plural authorities existed, coequal with each other, and liable to be at variance. Nor could this unity be realized, if, within any local church, the chief government were temporary or precarious. Thus the catholicity of the church at large required a sole and uniformly active chieftaincy, in each principal church, to which was annexed an undivided portion of the Catholic supreme governing efficacy, and this subject to the laws of Unity alone.* Lastly; the act of every such local governor, when rightfully performed, was the authentic act of the church at large, and bound all his compeers by the force of confederation and indivisible government, as well as all the faithful by the necessity of adhering to their pastors, in each of whom the *Catholic* Unity abided. If any one of those principal churches were willing to establish a perfect local church within its province, the principle of uniformity demanded, that, in imparting the powers of Catholic government, it should consult the principle of Unity.

The sole governor, whom now we shall call the
bishop

bishop, thus came to preside in each church, not merely as the teacher of his flock, nor as merely representing this or that individual apostle or apostolic delegate, to whose establishment he might have succeeded: to the *Catholic* church at large the *bishop* was at once the voucher for the orthodoxy of his flock, and the mean, through which his flock communicated with the Catholic Totality. Again; to his own peculiar flock the same *bishop* was the highest authority and evidence for the belief, and for the necessary discipline of the Catholic church; because, in right of his office, he was a governing partner in that confederation, as well as the chief at home. In this manner, as *Catholic* church would have necessarily introduced sole episcopacy, (even if this had not universally co-existed, as it has, with *christian* church), so, in turn, this episcopacy would naturally have produced that sacred and next order, called by us the *priesthood*, by the expansion of its missionary powers, so as to meet the domestic wants of the christian people.

But what is the rank and dignity of a *priest*? A formal answer to this question may be expected from me, who have demolished those grotesque ornaments, by which *Columbanus*, while professing to beautify, made a hideous shew of this venerable character. The divine right to judge and legislate on points of faith and discipline is, by this time, pretty well ascertained. Upon of the whole of that discussion, I would appeal
to

e rational man, catholic or protestant, whether,
 get all the claims set forward by puerile weakness,
 hypocondriac inflation, he has met with any more
 d or more indecent than those, which I have
 ated. To the *Catholic priests* it must have ap-
 d, that, while a *divine right of legislating* was
 nally claimed for *them* against *bishops*, it was, in
 an unscrupulous privilege of *abusing bishops*, that
Columbanus exerted for *himself*. It must have appeared
 ie *Catholic priesthood*, that the gravity and reve-
 e of their order had been committed in a revolu-
 ry speculation ; whether dictated by revenge, or
 ested by an atrocious distemperature of intellect ;
 as I would rather say, the consequence of mental
 nstion, induced by the fatigue of that grand his-
 al work, which *Columbanus* has long taught us
 pe ; by his laborious equations of the *Cycles of*
Patrick with all the other periods (whereby the
 ematical gentry will, in due time, gain hidden
 ures of science), and by the very compass and
 h of an undertaking, in which the utmost energies
 vention were to be expended, to make up for th^e
 t waste of so many ages.

t the cause of this hostile exhibition be what
 ay, the spectacle is dishonouring. It affects
 onjoin the undoubted rights of the *priesthood*
 a lawless piracy on *episcopal* rights : it usurps
 collective good name of *priests* for an ex-
 le and display of sacrilege : it provokes a colli-
 sion

sion of titles, consecrated to the same Altar, and the same CHRIST, and the same Gospel; of which titles the one *must be sacred*, and the other *must be everlasting*. That title, which *receives* the mission, must be sacred: that, which not only holds, but which alone can give or retain it, must be perpetual, and cannot therefore be overthrown, and is perilously insulted.

What then is the *rank* and *dignity* of a *priest*, as compared with a *bishop*? I answer; if the estimation of rank be made on the comparative *holiness* of *offices* common to both, I can find no difference between the bishop and the priest: because the most salutary offices regarding the *christian man* are exercised with the same validity by the one as by the other. In the communion of *sacerdotal* power the priest is *the successor of apostles*. This is Catholic truth.* If he were not, he could not sanctify the elements. And what more is a *bishop* in this holiest vocation? In using the power of the keys, the priest acts so expressly by the authority of CHRIST, that the intimation and claim of this authority accompanies the formal remission of guilt to the penitent. What higher authority does the bishop claim, or what diviner representation, than that of CHRIST, AS A SAVIOUR?

Is not this dignity enough? Surely it is enough to command reverence, as well as to make its possessor tremble.

* Concil. Trid. Sess. xxiii. c. i.

amble. On the basis of this *priesthood, instituted divine ordination*, we are informed by ancient and excellent authorities, that to the class of presbyters pertain the duties of arbitrating and peace-making amongst the faithful; of inspecting the wants of the sick; of being the patterns of the faithful and the spiritual parents of the laity;* that to them belongs the election of domestic colleagues and bosom friends of their bishop. No bishop, deserving the name, can exist as a priest but with the consideration of a father. A Catholic bishop can look upon his priest in any other light than in that of his fellow labourer in the peculiar inheritance assigned to himself, and of his *key and his crown*.

At the same time, *episcopacy*, as the source of *mere priesthood*, is superior to this latter rank essentially, and even in this single respect is entitled to duty and veneration. That episcopacy, from the fulness of its apostolic representation, controuls and props the subsequent titles of *mere priesthood*, is evident to common understanding: because no *mere priest* can derive a title from any predecessor of his in order, and, consequently, unless there be alluded to episcopacy *at large*, the undoubted successor to apostolic right, no priest, who has been in the world these seventeen hundred years past, can or should pretend to exercise any spiritual function, with efficacy or with calling.

To pursue the subject of *Catholic* episcopacy, it is most likely, that in the first century of the christian church, the intercourse was managed between the chief bishops of nations,* and through this medium was derived to their subordinate churches. As to the principal churches of *nations*, it is known that they were three; namely, of Rome, of Alexandria, and of Antioch; and that those three churches, not only were the most conspicuous, but had the largest and most varied missionary districts of any, centered within the Roman empire. From these causes may be derived the comparative importance of the city presbyters, especially in Rome. As the bishops, who issued from Rome to preach the gospel, must have been chiefly of the Roman clergy, and as it was probably more difficult to arrive at the station of a presbyter in Rome, than to gain a foreign ordination; as the daily and infinite occupations of this church would not admit of the delays attending an episcopal synod; as the Catholic church in Rome was not only populous above comparison, but was consisting of several tongues; it became necessary to entrust the presbyters of Rome with the power of holding congregations of the faithful, and with the privilege of *deliberating*, in the nature of a synod, on emergent causes referred to that church

* See Can. Apostolic. xxiii.

church.† To enact laws, even of discipline, they had

† *Colombanus*, in his 4th letter, p. 73, 74, 75, has obliged us with far more minute information on this subject, than is to be gained elsewhere. Having informed us, that *cardinal bishops* are not more ancient than the *tenth* century; that "it is certain," that in the original import of the name, the *cardinals* were the *parish priests* of Rome, and the *Ex-Cathedra* council of the holy See: "that the See" (which means the chair) "of a bishop is composed of the diocesan clergy, and that, from a neglect of this last mentioned principle, the discipline of the church has been reduced to low and petty intrigue: after these momentous hints, in which a spirit of tender duty towards the Catholic church struggles for the palm with the spirit of historical research, he is pleased to declare, that "as is remarked by *Holstenius* on the *third council of Rome*," (he should have said, the third under *Boniface II.*) "in all matters of importance, the popes convened a council, not only of the city clergy, but also of the country curates, who constituted the diocesan Synod of Rome: frequently he called a provincial or metropolitan Synod, of the cardinal bishops of the metropolis of Rome, who were called cardinal or principal bishops with regard to the ten suburbicarian provinces, and constituted the annual Synod."

Let him who has ears, receive the intelligence with thankfulness: it is certainly connected and satisfactory. *Cardinal*, in its original import, signified a *parish priest* of Rome. Very well: but what was the original import of *cardinal*, when applied to the *deacons* and *subdeacons* of Rome? Was a *cardinal subdeacon* a *parish priest* and an *ex-cathedra* counsellor? Again, *cardinal bishops* are not more ancient than the *tenth* century; yet something or other is remarked about them by *Holstenius* in the sixth century. After all, by what words does *Holstenius* convey this information? "Vel leviter in *Historia Ecclesiastica* versati sciunt, *magis fuisse antiqui*, ut quoties de gravioris momenti negotio ad apostolicam ceterasque majores sedes referretur, non solum *clerus urbius*, sed etiam *episcopi in comitatu commorantes* ad consilium commune deliberationemque convocarentur." i. e. Persons even slightly acquainted with church

had no power. They disclaim such authority in their
letter

church history are aware, that whenever a cause of great importance was reported either to the *holy see*, or to the *other principal sees*, by ancient usage, not only the *city clergy* but the *bishops abiding in the Comitatus* were summoned to joint deliberation. How in the world did Columbanus extract country curates and cardinal bishops from those words? I answer, very readily; by not understanding one word, and by mistaking another word. In the first place, *Comitatus* should not have been mysterious to one, who reads the *originals*. Without travelling into the *Cude*, he might have learned from church history, that *Comitatus* was the *imperial or kingly head-quarters*. So Constantine to the council of Arles wrote, that he had ordered the refractory Donatists to be brought to his *Comitatus...qui eodem infandos deceptores Religionis et Comitatum meum perducant.* So in the fragments of Gelasius I. Peter and Felix are accused of going off to the *Comitatus* of Theodoric. *Petrus et Felix clerici ad comitatum filii mei regis putaverunt esse properandum.* So the council of Sardica forbids bishops, especially from Africa, to go to the *Comitatus* (can. 8.), as the council of Antioch had previously interdicted the oriental prelates from going to the Emperor, (Can. xi.) and the fourth council of Africa prohibits going off to the *Comitatus* without letters from the bishops of Carthage or of Rome. (In Cod. Eccl. Afric. Can. 105). This premised, Columbanus, by turning *Comitatus*, *headquarters*, into *ten suburbicarian provinces*, and *commorantes* or *making some stay*, into *cardinals*, has instantaneously created the *annual synod* of Rome, which, at most was called *frequently*. If you will ask, how did he find out *country curates* in *city clergy*, *clerus urbis*? I answer, that he took them *in*, because he found them *out*. Poor Holstenius would resent, could he but feel the wrong done to his memory, if not in the above *mis-quotation*, at least in the suppression of his words, that *the bishops of Rome even then had full power, without any such consultation*, to make obligatory decrees. *Etiamsi per se soli auctoritate rerum pollerent, &c.* In Not. posthuma, ad. synod. 3. Bonif. ii, Labb. iv, 1723.

letter to Cyprian of Carthage.* Hence it followed, that, in councils held at Rome, especially when the subject regarded the papal See, we find the Roman presbyters sitting, and sometimes *promulgating* the papal decree, by acclamation.

In Alexandria likewise, the presbyters appear to have been assembled by the bishop to his episcopal synods: by the presbyters, I mean those appertaining to the city. If any person would wish to know, whether this distinction gave to the presbyters of Alexandria an equal right of *discussing* and *judging*, let him attend to this formal address of Alexander, who was afterwards a principal in the council of Nicea, to his presbyters and deacons. “ To his beloved brothers, “ the presbyter and deacons of Alexandria and Mareotis, now present, greeting. Although you have “ already subscribed to the letter I addressed to Arius “ and his party, exhorting him to abjure his impious “ tenet and yield to the sound catholic faith, however “ as I have written a letter for all my colleagues, regarding that party, I have judged it necessary, to “ collect *you* the clergymen of the city, and to summon you out of Mareotis, (especially as Chares and Pistus, who were presbyters of your number, and Sarapion, Pasammon, Zosimus and Ireneus, the “ deacons, have gone off with that party, and have “ been

* Inter Epistol. Cyprianic. xxx. (Fell 58) et inter Op. Novatian. Oxon.

“ been content to be deposed); in order that you may
 “ be *made acquainted* with what I have written, and
 “ *may render public* your agreement therewith, and
 “ may declare your assent and consent to the *deposi-*
 “ *tion* of Arius and of Pistus. For it becomes you
 “ all to know what I write; and it becomes each to
 “ guard it, in heart, as if written by himself.”*

As to the church of Antioch, we know not of any mere primatial synod convened by its bishops, during the four first centuries.† Its certain jurisdiction comprised the *eastern* churches. From the remaining signatures to the councils of Ancyra and Neocesarea, holden before that of Nicea, *Vitalis* of Antioch presided in Synod over some Metropolitans, out of the dioceses of *Pontus* and of *Asia* likewise. So it happened likewise in the struggle between John of Antioch and Cyril. That church had not learning sufficient for its rank; and its very principles, recognized by the Nicene Council, were soon disfigured and then undermined.

So much for *patriarchal* synods before the Nicene council. By *patriarchal* I solely mean those appertaining to the three great churches already mentioned, in each

* First published by Cotelier (P P. Ap. i. p. 415 Le Clerc) and republished by Hardouin, as from the same manuscript. I. 310.

† For with regard to the *synod* of Antioch, held by Meletius, upon the accession of Jovian, it appears to have been an extemporary congregation; and as to that *supposed synod*, wherein the orientals received the profession sent by Damasus, it is not certain, that it was a local convention.

each of which concurred the marks of apostolical establishment, of episcopacy originating from Peter the apostle, of a manifest succession, and of a most comprehensive missionary district, assigned from the beginning.

Of *National* synods, until the fourth century, we have nothing extant beyond certain synodical letters reserved to us in the works of saint Cyprian,* and the *preamble* and brief decisions of almost ninety bishops, assembled from the entire of Africa, concerning the *baptism given by heretics*.† In the introductory part of this *preamble* those bishops are said to have met, *along with presbyters and deacons*, the *greatest part* (or, a very great proportion) “*of the laity being resent*.”‡ This introduction might give not a little help to the *divine right* of *sitting and judging* in presbyters and deacons, as well as to the *divine right* of the faithful to *overhear*, were it not that, in this council, neither *priests* nor *deacons* open their mouth. The *acts*, it will be objected, are imperfect. I answer, that no mutilation appears, and that no mutilation could possibly have been committed on the *divine right* of presbyters, for two reasons: the first, that the council was convened by *Cyprian*, who believed and taught, that

* Hard. Conc. I. p. 134, 147, 149, 154, 157. et int. opera Cypriani (Fell) Ep. 57, 64, 67, 72.

† Hardouin ibid. p. 159. Fell: Part. i. p. 229

‡ Ibid. Cum in unum Carthagini convenissent Kal. Sept. Episcopi plurimi ex Prov. Africa, Numidia, Mauritania, cum *presbyteris et diaconibus*, presente etiam *plebis maxima parte*.

that "CHRIST ordained apostles, that is to say, bishops, to govern his church:" the second reason, that in the opening address of the blessed martyr to his colleagues, he informs them, that "their business is now to deliver their several judgments openly, *as being bishops under JESUS CHRIST, who alone and exclusively is the appointer of governors to his church;*" and *alone therefore can judge of their official conduct.*" Will Columbanus abide by the doctrine? If he does, I will bestow him the precedent. Let him urge, that in the council of Carthage, the *presbyters and deacons* were assembled. I will urge, that *a great proportion of the faithful was also there;* and as those presbyters, if they

* Ibid. *Collegae dilectissimi...* Superest ut de hac ipsa re quid singuli sentiamus, proferamus...Neque enim quisquam nostrum Episcopum esse Episcoporum constituit...quando habet omnis Episcopus is pro libertate libertatis et potestatis suae arbitrium proprium, tanquam judicari ab alio non possit...Expectemus universi judicium D. N. I. C qui unus et solus habet potestatem et proponendi nos in Ecclesiae suae gubernatione et de Actu nostro judicandi. See also Epist. 32 ad Lapsos, and the above quoted synodical letters. Lastly, *De unitate Ecclesiae*. On the foundation of the Cyprianic principles a masterly and crushing demonstration of the nullity of the Civil Constitution of the clergy of France, was written before the King's murder by Doctor La Hogue, then of the Sorbonne, and now the ornament of Maynooth College: a work, which requires nothing more than readers capable of appreciating its excellence. From the same author has lately appeared a Latin treatise on the church, which has been put into my hands, while this letter was at press. Of this I will only say, that it possesses more learning, argument and perspicuity than bulky volumes on the subject, and has besides a moderation peculiar to itself.

they did argue or discuss *on the spot*, must have argued only with the *laity then present*, I also claim my *African* right, to argue with *Columbanus*. When we shall have tired out one another, in debating with the farcical assumption of *divine right*, or of *learning*, or of *very great zeal*, some one will part the combatants, by reminding both, that Cyprian did not allow to presbyters the smallest particle of a *divine right* to judge or to govern; that he has even complained of the brutal irreverence of some amongst his *presbyters*; and, that it appears, that he resolved to consult the feelings of the *laity*, on the introduction of every new case of discipline. A contentious layman will infer from this, that the great martyr sought a counterbalance in the affection, and gratitude, and religion of the faithful, to the overweening and factious misbehaviour of some,* who held the next place to the bishop of Carthage. To a suggestion of this kind I, for my part, will make no reply: *Columbanus* can make a thousand replies, in every key and stop of exclamation, ecstasy, self-panegyric, and antiquarian irony. His greatest and best retort however would be, to declare Cyprian at once a heretic: and why not? The *bishop* would not allow even the baptism administered by *schismatics* to be valid, although *baptism*, in that age, was administered occasionally by *presbyters*. *Columbanus*, who has declared

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himself

* Cyp. Ep. 43. (Fell).

himself a schismatic against the modern Catholic church, asserts to presbyters in schism the right of administering *confirmation in cases of necessity*.*

Here we find *two very great men* in opposite extremes, Cyprian will not allow even the sacrament of baptism, which is of ordinary necessity, to be validly administered by a *schismatic*, or separatist from the Catholic unity of government. *Columbanus*, on the other hand, having declared a holy war against *one pope* and all episcopal possession and pedigree, claims for "priests" of the second order the right of confirming *in cases of necessity*: yes, surely; for priests of his own church; for the *Columbanian* judges, successors to the seventy-two. But did those *seventy-two* confirm? Let *Columbanus* answer that. He has come in as a conqueror, and let him defend his own gospel. I merely suggest, that the eloquent martyr and bishop of Carthage, and the new Elias of Ireland, who has started up from his trance of twelve hundred years, are very much in opposition to one another.

Of synods, greater than *patriarchal*, we have but one recorded instance before Constantine, in the second council of orientals held at Antioch against Paul of Samosata, and in the age of Aurelian the Emperor. Of this synod, nothing has come down to us beyond the extracts of the synodical letter, as given by *Eusebius*,

* See note at the end of this letter.

bius.* A meeting had formerly convened of bishops *with their presbyters and deacons* against the same blasphemer; but without effect.† The letter of this second convention is addressed by the oriental bishops in their own names and in the representation of the “bishops, priests, deacons and churches” (i. e. laity) “of the confining districts, to Dionysius of Rome, Maximus of Alexandria, and to all their colleagues, the bishops, throughout the world, to priests, deacons and to the entire Catholic church,” (i. e. laity) “from end to end.” This council also was held in the age of Cyprian, and was afterwards referred to, as we have seen, by the Arian bishops, as a precedent, why the western church, conducted by Pope Julius, should not interfere in the concerns of the orientals. The Arian policy, at that time, was to destroy all ancient landmarks, and all apostolical precedency, recognized by the Nicene council. But, even in the case of Paul of Samosata, the prerogative of the western church *did* interfere. Paul, although excommunicated by the christians, maintained possession of the episcopal residence: he was moreover a *Ducenarius*, or Imperial agent, a wealthy villain, and a protected one. The Emperor, when applied to by the christians, adjudged the bishop’s house at Antioch to be surrendered to that person, in whose favour the bishop of Rome and
the

the bishops of Italy should declare, by letters of communication.*

Thus concludes the review of exterior christian polity from the apostolic age to the reign of Constantine. I have sought, perhaps with a wish to discover the truth, but of this no man is a competent witness to himself; yet I have sought with anxiety, not merely on this occasion, but oftentimes on others for the proofs within this period of that *divine right*, which *Columbanus* has attempted to revive in the way of a Sicilian vespers. I have found nothing to warrant such pretension. I have found union between bishops, priests, deacons and people most strongly recommended; in the case of divisions by schism, I have found the right acknowledged to remain with the established governors; and in the case of heresy, I have found, that the appeal was ever made to the *Catholic succession of bishops*. But perhaps *Columbanus* feels invited by some extraordinary call to take the Catholic church under his protection. If stable judgment and learning were sufficient recommendations for the noble office, we could hardly refuse, after the instances we have witnessed, to acknowledge him as the founder and head of his own church. But will the *foolish* christians receive him? I fear not. They are too far gone in superstition. They believe in CHRIST, and absolutely do think the Church, as it is,

* Euseb. H. E. Lib. 7. c. 27. et 28.

is, to be rather suffering, than outlawed. Those christians are squeamish, and will not receive for divine gifts, or divine eloquence what, to their unenlightened habits, carries the stamp of unforgiving anger, comical self-sufficiency, exploded and puerile learning, uttered in a style of the rankest vulgarity, and a diction equally barbarous and indecent.

I remain, Reverend Sir,

&c.

NOTE to Page 426.

Columbanus informs us, (Letter iv. p. 92) that *Doctors Poynter* and *Milner* seem not to know, that saint *Jerome* expressly declares, that confirmation is administered by bishops not from any exclusive episcopal right, essential to the validity of that sacrament, but from the honour and respect due to the episcopal order, and from usage introduced into the church. "This," observes *Columbanus*, "is what Doctor *Milner* seemed not to know, when he asserted, that a bishop is a clergyman, who exclusively administers two sacraments, confirmation and holy orders, (*Milner's* elucidation of the "Veto, p. 36)." *Columbanus* holds it for certain, that, in cases of necessity, a priest may administer confirmation.

Let us first attend to the express declaration of saint *Jerome*, whose words are these : Quod si quaeris, quare in Ecclesia baptizatus nisi per manus Episcopi non accipiat Spiritum Sanctum, quem nos asserimus in vero baptismo tribui; discere hanc observationem ex ea auctoritate descendere, quod post ascensum Domini Spiritus S. ad apostolos descendit; et multis in locis idem factum reperitur, ad honorem potius sacerdotii quam ad legis necessitatem. i. e. "Again; if you will ask, why a person, after he has been baptized in the (Catholic) church, receives the holy spirit exclusively by the episcopal imposition of hands, although we maintain the holy spirit to be imparted in genuine" (i. e. Catholic) baptism; know, that this observance is deduced from that first precedent, that, after the ascension, the holy Spirit

came

"came down to the apostles, and in many places" (i. e. of the new Testament) "the same practice is found, rather to show a prerogative in episcopacy, than a necessity for the Law.

Is it so indeed, that saint Jerome expressly denies an exclusive right, when he informs us, that, although in catholic baptism the holy spirit had been imparted, yet the apostolic imposition of hands was never performed unless by a bishop? Is it so, that saint Jerome encourages the claim of priests to confirm in cases of necessity, when he asserts, that the observance is rather to demonstrate the apostolic prerogative of bishops, than because the law of confirmation is necessary, like that of baptism?

Well; though saint Jerome expressly denies the two points, which, according to Columbanus, he expressly declares, perhaps Baronius will give some aid in this extremity and forced conscription of holy fathers. The good Baronius has also mistaken this text of Jerome, and Columbanus, very naturally, terms the childish blunder, a complete and invincible demonstration (same Letter p. 83). The remark of the good man on the passage above cited is thus given by our Author. Cum igitur dicat Hieronymus potius ad honorem quam ad necessitatem eam Episcopi functionem pertinere, intelligere potes non adeo esse de sacramenti essentia, ut jubent eponifice non possit impleri per presbyterum. i. e. "Whereas Jerome asserts, that that function, being performed by the bishop, appertains rather to his honour than to necessity, we may infer, that it is not so essential to the sacrament, but that, under a papal commission, it may be fully performed by a priest." Baronius mistakes honorem for honour

honor or respect: Again; he absurdly refers *necessitatem* to *episcopi* and omits *legis*: from such premises he infers, that the words *potius ad honorem sacerdotii quam ad legis necessitatem*, may signify exactly what they would, if transposed by contraries, thus, *potius ad legis necessitatem quam ad honorem sacerdotii*. Such is the *invincible demonstration*,

But here is more of it, and better. "In 541," says *Columbanus*, *ibid.* p. 82. "Pope Gregory the great wrote to "Januarius bishop of Cagliari, to put an end to *the practice*, "which had prevailed of administering confirmation by the "ministry of the second order, as appears from the ninth of "his epistles to Januarius (Epist. i. 3. Ind. 12)." Whether it was from those *Cycles* of saint Patrick, which *Columbanus* defies bishop Milner to riddle; or from mere *inadvertence*, our Author has favoured us with a letter from saint Gregory in 541, and that two of *the twelfth indiction*, I leave to *Chronologers*. The pope however has a right to speak for himself. (in *Labb.* v. p. 1141). *Presbyteri baptizatos infantes signare sacro in frontibus chrismate non præsumant; sed presbyteri baptizatos ungant in pectore; ut episcopi postmodum ungere debeant in fronte.* i. e. Let *presbyters* not assume the right of *signing* with chrism baptized infants on the forehead: but let the *presbyters* anoint the baptized on the breast, that the *bishops* may afterwards have to anoint them on the forehead." This *chrismation* on the forehead, *Columbanus* takes to signify *confirmation*. I deny it: so let us hear out all the case.

"Afterwards however," proceeds *Columbanus*, "hearing, "that this order of his was *strongly resented and opposed by*
the

"second order, as an innovation, he wrote a second letter to "Januarius, retracting his first, and desiring, that the ancient discipline should be restored." Ibidem.

This "second order" possesses a strange ubiquity of insurrection, in the historical view of our Author. At Rome, under Boniface, we have seen them turn out the sojourning bishops. At Nicea, they insist, although innumerable, on having seats in the Emperor's hall, and on discussing. In Spain, they would attend to no canons, unless such as they had concurred in framing; and, I should suppose, did not observe any canons whatsoever, as the doors there were canonically barred. Last of all, we have them now, in Sardinia, in holy rebellion against Gregory, because they are not allowed to confirm infants; and we have the pope too striking his colours, and retracting. Wisely, however, as usual, Columbanus, instead of giving the pope's expressions, claps down a long extract from Baronius, of which we have lately tasted the quintessence. The words of Gregory are these (Epistol. xxvi L. 3); Pervenit ad nos, quosdam scandalizatos fuisse, quod presbyteros chrismate tangere in fronte eos qui baptizati sunt prohibuimus. Et nos quidem secundum usum veterem Ecclesiae nostrae fecimus. Sed si, omnino, hac de re aliqui contristantur, ubi episcopi desunt, ut presbyteri etiam in frontibus baptizatos chrismate tangere debeant, concedimus. i. e. "I am informed, that some persons took scandal at my forbidding presbyters to touch "with Chrism the foreheads of the baptized. For my part, "I acted in pursuance of the ancient usage of this church" (of Rome). "But if, right, or wrong, any persons are hurt

on

“ on that account, I grant to presbyters the function of
 “ anointing the baptized *even on the forehead, where bishops*
 “ *are not to be found.*”

Is there a word in this passage of *opposition* on the part of the *second order* ? Is there a word about *confirmation*, or about *restoring ancient discipline* ? Does the Pope *retract*, when he professes to *grant*, and when he qualifies that grant by the condition of *bishops not being to be found* ? Now, is such quotation excusable in any man pretending to understand what he writes ?

Columbanus, no doubt, reads *originals*. Of course he has read those two letters of saint Gregory to Januarius, and must have observed, that, in the former of these, the Pope forbids *signing* with the Chrism, and in the latter permits *touching* with it, on the forehead, *Columbanus* also, as being a reader of *originals*, must have read the letter of Innocent I. to Decentius, wherein that Pope declares, that, although priests may *anoint* with Chrism (blessed however by the bishop) the Neophytes, even in their bishop's presence, yet they may not *sign* the forehead with the same composition, which it is the province of *bishops alone* to do, *when they are imparting the Paraclete Spirit*. *Columbanus* is aware, that the *signing* of Innocent means the *σφραγίζω*, or *sealing*, of Corpelius the martyr, in his letter to Fabius of Antioch. Again ; *Columbanus* knows, that this *signing on the forehead* with chrism, although, by the Roman practice, reserved to *bishops*, and always accompanied by the imposition of hands and the

imparting

imparting of the PARACLETE, was yet, in former times, *not* the sacrament of confirmation.

He must have learned as much from the text of saint Jerome quoted by himself; wherein *that alone* is reserved to the bishop, which was performed by the apostles first in *Samarita*, before the name of *christian* had been introduced, and consequently before the use of a sacramental element of *chrism*. He *must* have learned the same obvious fact from the said letter of Innocent I., in which, in one and the same regulation, the Pope teaches the unlawfulness of *priests signing* the forehead with *Chrism* (which shews, that the attempt had been made), and declines to mention the sacramental words used by *the bishops*, lest he should betray them by writing; which shews, that the words were not known as generally as the Chrismation was practiced, or might have been attempted. *Columbanus* also *must* have known, that in the seventeenth century a discussion took place between Sirmond, the incomparable Editor of the Gallican councils, and the well known Author, calling himself *Petrus Aurelius*, on the subject of a Canon of the first council of Orange, in which it is decreed, that but *one chrismation* shall be used; and that, whenever a person, not already chrismated by the priest (or deacon) in baptism, shall be presented to the bishop *for confirmation*, that circumstance shall be intimated to the bishop. In reading over the *originals* of that dispute, *Columbanus* must have observed, that *Tertullian*, that *Cyprian*, that *Optatus*, that *Augustine* are alleged by Sirmond, as clearly distinguishing between the *chrismation* (although performed by the bishop), and *the imposition* of hands; and that

that saint Jerome himself allows to priests and deacons the practice of *Chrismation*, while he vindicates to *bishops*, the apostolical privilege of imposing hands. I will not affront the reader of *originals*, by telling him, that this discussion is to be found in the fourth volume of Sirmond's works, and under the titles Antirrheticus, I. and II. But I will *presume* to remind him, that, when Gregory forbade the unction on the forehead, he called it *signing*, and most probably supposed it to be accompanied by an imitative *episcopal confirmation*, from which the same ceremony was indivisible in the Roman Church; that, when he concedes the practice, he omits the term *signing*, and uses that of *touching*, having most probably been made acquainted, during the interval, that those presbyters intended but a rite compleatory of baptism. I would also remind *Columbanus*, that in the *first* of Toledo, that is to say, at the beginning of the fifth century, it was decreed, that no deacon should perform *chrismation*, which implies, that deacons until then, had used or usurped that function. I cannot bring myself to think, that *Columbanus* would claim for deacons the right of confirming.

I grant, that in the western Church, a presbyter may, by *parol* privilege, administer the sacrament of confirmation: moreover I grant, that, in the Eastern Church, the chrismation by presbyters, as immemorial delegates of their bishops or patriarchs in this respect, is good and sacramental, because recognized by the Western Church, and by the first of all churches. I grant all this, because I cordially submit to that authority, which *decides*, when probabilities conflict, and when reason totters between opposite consequences. But that priests, as such, are ministers of *confirmation*, in case

of necessity, as *Columbanus* pretends, is so great an insult to common sense, arguing upon *catholic* hypothesis, that I beg to lengthen out this note, in order to shew its effrontery.

The council of Trent has in the most authoritative manner declared, that no priest shares in *common*, or in *partnership* with bishops, the *known* episcopal functions. If so, no priest has any greater intrinsic right, as such, to *confirm* in supposed cases of necessity than to *ordain*. Now, to ordain he has no pretension; and yet for a *people*, the want of the priestly functions is infinitely more disastrous than that of confirmation. Consequently, the *priest* has no claim, under *any supposed necessity*, to *confirm* by virtue of his character. Again; no doctrine can be more self-evident in the Catholic system than this; that, whatsoever sacrament may be *lawfully* and *validly administered* by a given person, in the case of necessity, the same sacrament will be *validly* administered, *out of the case of necessity*, without exception. To baptize was originally the peculiar commission of apostles, as truly as to *preach the gospel*; yet, in the progress of vicarious delegation, that ministry has been so generalized, that the Catholic church stands sponsor for the efficacy of a baptism, administered in the sacramental words and with serious intention, by *every christian*, in the case of necessity. It would be sacrilegious presumption in a layman to baptize an adult not on the point of death, if the ministry were accessible: yet, even in this case, the baptism would be *valid*, as it is in that of infants. In the case of *ordination*, we know, that a priest or bishop, when sequestered from office respectively, cannot perform jurisdictional acts: yet the acts *of order*, which they perform

perform, are always valid ; and with regard to those, who may be ignorant of their suspension from office, certain acts of *jurisdiction* are allowed. If then the priest, as such, can *lawfully and validly* confirm in *cases of necessity*, as he cannot do so in virtue of *jurisdiction*, he must do so in virtue of *his order* ; and thus *confirmation* by a priest, would, in all events be *valid* ; scholastically speaking, it would impress a *character* ; or, in common speech, it would station the person confirmed in a specific class of spiritual pretension, which could neither be forfeited, nor be given a second time.. The assertion therefore of *Columbanus*, that *priests may confirm in the case of necessity*, (which by the bye with regard to individuals cannot exist, in fact, as to this sacrament), amounting to the assertion, that in *necessity* it is *lawfully* received, as well as *lawfully and validly* imparted ; and, by necessary inference, implying, that at all times, a priest may *validly* confirm, if it should even escape the Tridentine Anathema, about which *Columbanus* thinks little in appearance, does practically tend to the assertion of Wickliffe, that “ *confirmation* has been reserved to the pope and the bishops, in the view of wordly gain,” or as the energetic stile of *Columbanus* might express it, through *the lust of money*.

LETTER IX.

Diocesan Synods. Apocryphal Council of Nicea, to which Columbanus appeals.—The Acts of this Council proved spurious at length.—Misrepresentation of the Roman Council under Hilarus.—Extravagant misrepresentation of saint Augustine, and of a council under pope Symmachus.—Legend of Boniface and Vigilius.—Misrepresentation of Irish Bishops, who have received coadjutors cum spe successionis.—True state of the question and justification of those Bishops.—New rules for episcopal elections, invented by Columbanus, as ancient general Canons.

REVEREND SIR,

ON *Diocesan synods* little is requisite to be told. These synods are assemblies of comparatively recent origin, convened by an individual bishop, and consisting solely of his clergy. At such assemblies therefore the priests of the "second order," are necessarily present, unless a bishop should fancy to hold a *synod of himself*, which few prelates, how exclusively soever inclined, could attempt with any chance

chance of success. In these synods the clergy are sometimes consulted, and very properly consulted; but the decisive voice and authority remains with the bishop alone, who alone subscribes, as giving force to the acts by the received and confirmed regulation of the church, in order to obviate an idea, foolishly or schismatically broached, of a *divine or necessary right to judge*, from the fact of the clergy, in certain of those meetings, having been used to sign.* These synods cannot decree on matters of faith or general discipline: the bishop has the authority to make his clergy subscribe, *as consenting*.

From this we begin a new subject. It is that, on which *Columbanus* has been most prodigal of his zeal and kind language. I am now to examine his assault on those Catholic bishops of Ireland, who have asked and received coadjutors with the chance of succession. To meet him, in the first instance, on the abominable perversion of those facts, which he affects to relate, would be the easier way. But I will, at once, close with the proofs; and, when I have exhibited the scholar, I will return to compliment the zealot.

“ The present mode of appointing bishops to Irish
 “ Catholic Sees, diametrically repugnant to the *fifty*
 “ *second canon* of the oecumenical council of Nice,
 “ A. D.

* See Benedict xi De Synodo Diocesa. Lib. xiii. ch. 1 and 2. vol. 2. p. 196. Edition of Ferrara.

“ A. D. 325, and to the *fifth* Canon of the council of
 “ Rome, A. D. 465.”*

Now, there never was a *fifty-second* Canon of Nicea. There never was a Canon enacted in that council on the subject. Our Author, as we have seen, when arguing from Rufinus *the incontrovertible* against a western patriarchate, declares against all Nicene Canons, save those in *genuine* Greek copies:† these Canons are but twenty in all. Shall you not allow the great authority of *Columbanus* to be opposed to itself? You will argue however, that *Columbanus* has retracted that retractation, when he informs us, that in the Bodleian library and *inter Codices Justellianos* is preserved an *ancient copy* of the Nicene acts, as collected by *Dionysius Exiguus*, in which copy a *fifty-third* Canon, *de ordinandis Episcopis*, corresponds with that published by Labbe and referred to by himself, in the passage before us.†

Has *Columbanus* read the *originals* in the Bodleian? Surely, surely, he has. He would not insult his most ignorant readers, by the gross and impudent resource of alleging an authority that had no existence. But how shall we excuse *Dionysius Exiguus*, who, in the nineteenth century, and thirteen hundred years after his own decease, returns to inform *Columbanus*, in de-

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* *Columban.* first letter, p. 38.

† *Columban.* third letter p. 110. 111. ‡ Fourth letter p. 51.

nial of his own former testimony, that a *fifty-third Canon* had been framed at Nicea ? This Dionysius, in the sixth century, translated the oriental Canons : his version is still entire, and corresponds exactly with the Greek text in the number of canons to each council. But this is not all. He declares,* that from the Nicene council to that of Constantinople he has numbered the canons ; that he has inserted, between those two synods, even those minor councils, which preceded that of Nicea, and that the sum total of canons is 165, according to his *Greek* vouchers. According to Dionysius the oriental canons are, respectively, of Nicea 20 ; of Ancyra 24 ; of Neocesarea 14 ; of Gangra 20 ; of Antioch 25 ; of Laodicea 59. For this several enumeration *Dionysius* is authority : he is besides authority for a sum total of 165. If to the several numbers above given, we add the three first canons of Constantinople, with very little help from *mathematics*, *Columbanus* may convince himself, that the account

* In Epistola ad Stephanum Episcopum. In principio itaque Canonum qui dicuntur Apostolici...deinde regulas Nicæni Concilii, et deinceps omnium Conciliorum, sive quæ antea, sive quæ postmodum facta sunt usque ad synodum centum quinquaginta Pontificum...sub ordine numerorum, id est, a primo capitulo usque ad centesimum sexagesimum quintum, sicut habentur in Græca antiquitate, digessimus. The *Latin* part of the first collection of Dionysius began with the council of Sardica, and ended with the African councils. Of this collection the Epitome sent by Hadrian I. to Charlemagne (*Hard.* III 2034. and *Labb.* vi 1860.) preserves the order.

count will correspond, and that Dionysius, *when living*, neither wrote nor *collected* that 53d canon of Nicea, which is *preserved* in the *Bodleian*, *inter codices Justellianos*.

The compilation, on which our author takes stand, is, at the earliest, of the *eighth*, and possibly of between the *ninth* and *tenth* centuries; the translation, to which he refers, is of the *seventeenth* century, and out of the Arabic language. The formidable canon, in English, is as follows. The version of *Columbanus* shall appear below, so that the reader may have the satisfaction of beholding his *improvements*.

Title of Canon. “ That no bishop during his own
 “ life, is to chuse, or appoint his successor.” Canon.
 “ No bishop, in his life-time, shall chuse or appoint,
 “ either from amongst his kinsfolk, or from them who
 “ are strangers to his blood, a person to succeed him,
 “ on his decease: neither shall he chuse a man of au-
 “ thority in the city, to be established therein as bi-
 “ shop: but upon his decease, let there be chosen either
 “ from amongst the priests, or *the Monks residing in the*
 “ *monasteries of the deserts*, or even from the laymen, a
 “ person of known learning, and application to the
 “ study of holy writ, and of distinguished qualities and
 “ worth; and let such man, though a foreigner, be
 “ ordained the bishop. *For whenever such a person*
 “ *shall be found, his ordination shall not be hindered,*
 “ on

"on account of his being a man of authority and wealth.
 "This Canon has no sanction of spiritual punishment."*

After the quotation of his *fifty-second canon*, our
 valourous Author cries out, "This canon is too clearly
 "expressed to require any comment. It is the de-
 "cree of an *oecumenical council*. Will the Irish bi-
 "shops, for the sake of preserving their uncontrouled
 "dominion, venture to resist the evidence of a general
 "council, as the high priests of the synagogue ventured
 "to resist the miracles of J. C.?"† (i. e. JESUS CHRIST).

The parallel is well chosen, and the unceremonious
familiarity of Columbanus with J. C. may justify a
 little over-straining of the privileges which he derives
 from his own acquirements. Yet the reasoning will not
 do,

* Columban. first letter, p. 40. translates in this manner. "Let
 "no bishop living elect or appoint for election his own successor,—let no
 "bishop, whilst he lives, either elect or appoint for election another, who
 "may succeed him after his death; neither from amongst his neigh-
 "bours" (so he translates *propinquis*), "nor from those who are remote.
 "Neither shall he elect to preside over his fellow citizens, any man from
 "amongst the higher ranks, who may be appointed their bishop. But, after
 "the bishop's death, let them elect some man from amongst the priests,
 "or monks, or the laity, who is known for his learning, and perusal of
 "the holy scriptures, and conspicuous for his virtues and probity; and
 "although he should be a stranger, let him be ordained." In this
 version, not to dwell on the beauty and clearness of the passages un-
 derlined, I wish it to be observed, that the monks living in the deserts
 are omitted totally, and providently, as no monks were known beyond
 Egypt in the time of the Nicene council. Again; the title of the can-
 on is absurdly translated as an enactment. However even this is sur-
 passed by the discretion, which dropped the entire of the conclusion.

† Columban. *ibid.*

do, though stilted upon the assumption of a prophetic termagancy. The decree is *not* of a general council; and, though it had been such, it is nothing to the purpose. So that this concluding flourish, (saving the hint of our author's intimacy, in the *easy* way, with our dread Redeemer) is a chorus without a ballad.

Suppose the thing just quoted to be the decree of an *oecumenical* council, and to have been resolved even at *Nicea*. Before we could justly term *resistance to a general council* (for in truth, I am at a loss for meaning in the words, *resistance to the evidence of a general council*) any variance from the rule so decreed, it would be necessary to ascertain two points: the one, whether, in the mind of the enactors, the canon had been intended for a uniform direction, not only in circumstances present to the legislators, but, notwithstanding any change of circumstance; the second, whether, even supposing the *Nicene fathers* to have intended the canon to be a durable law of discipline, the law notwithstanding may not have carried within itself the reason of its own suspension in after times; in other words, whether the mischief against which the *Nicene fathers* had provided in this said canon, might not have removed itself to an opposite station, so as to justify the literal intermission of a rule, for the object of securing that, which the rule could no longer defend.

A rational and just man would have sought to clear
these

these two points, before he condemned. But since I have to do with a severe and Spartan-like *inspector of canons*, I would humbly interrogate *Columbanus*, whether all the Nicene canons, I mean the genuine *twenty* canons, are such as no bishops can decline from, without resembling Annas and Caiaphas in guilt? Let us take the last canon of Nicea. It wills, that no Catholic shall kneel in the church on Sundays. Is it not so? Yet this canon without any formal abrogation has been in disuse through the *West* for ages; nay, possibly was never received, or never was meant to bind the *West*. Did the *West* in this particular, *resist the evidence of a general council*? There is another canon, the sixteenth of Nicea, which interdicts giving clerical reception or entertainment to a *priest* or *deacon*, quitting his diocese; nay, if notwithstanding such inhospitality, the emigrants will remain abroad, the *oecumenical council wills them to be excommunicated*. Yet *priests* quit their dioceses at present, and are not excommunicated by the foreign bishops. Would *Columbanus* resemble those bishops to *Annas* and *Caiaphas*? The same council of Nicca decreed the metropolitan prerogatives inviolable. At that time *Byzantium* was a subordinate bishopric under Heraclea. *Byzantium* soon after was exalted into an imperial city: it became *Constantinople*. It had subdued, in the fifth century and before any new canon law on the subject, that very Heraclea, whose pre-eminence over *Byzantium*

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the Nicene council had guaranteed. Shall we infer, that saint John Chrysostom, that Sisinnius, that Flavian the martyr, by *resisting the evidence* of the sixth Nicene canon, were, in their conduct, successors of “*the high priests of the synagogue, who resisted the miracles of J. C.*,” who resisted the evidence of his miracles so far, as to have planned the death of *Lazarus* along with that of the Christ, in order to exterminate the gift, as well as the Giver of life? Again; the council of Nicea had confirmed the precedency of *Elia*, *subject nevertheless to the jurisdiction of Cesarea*. Yet, in the council of Chalcedon, the bishop of Antioch surrendered to *Elia* his three provinces in Palestine, and by that compromise subjected to *Elia* those metropolitanical rights, which had been guaranteed to *Cesarea* over that same *Elia* by the Nicene council. Were the bishops in the council of Chalcedon like *Annas and Caiaphas*? Our author seems to forget, that the first council of Jerusalem was, according to his own system, the model of all councils, and that, if so, as to authority of discipline, it must have stood consequently as high as that of Nicea. In what other council has the prohibition, enacted in Jerusalem against blood and strangled meats, been repealed? In the East the canon is still attended to. In the West it continued to be observed in the beginning, at least, of the eighth century. Is the entire of the West under the curse of *Annas and Caiaphas* on this account? Is England, and

its established church, in resistance, like *Annas and Caiphas* to the *oecumenical* council of Jerusalem, for the cause of the black puddings?

Columbanus, it must be taken for granted, has read over this *digest*, which he entitles *Canons of the Nicene council*. What does he think of the 28th canon, which forbids, *under pain of excommunication and deprivation*, a priest to become surety, or to bear witness in a criminal cause, or to accuse, or make reports against any individual to persons in government, or to keep on the watch as an informer, or to stir up divisions amongst the laity? What of the thirty-fourth canon, which requires the bishop or *presbyter** to reconcile Arians by anointing with the chrism, and *reciting the prayer of Dionysius† the areopagite*? What of the 38th canon, translating the patriarchate of *Ephesus*, to Constantinople,‡ which as yet had no existence, and declaring the bishop of Jerusalem§ exempt? What of
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* By the provision of the Nicene council, the bishop alone could reconcile Arians, and such was the discipline of the *East and West*, to the end of the fourth century. Siricii P. P. Epist. ad Himer. Tarracon.

† A name not given to the Author of the *Hierarch*. Celestis, until the end of the 5th century.

‡ Saint John Chrysostom first interfered with *Ephesus*, on which ground amongst others he was deposed in the *synod of the Oak* by Theophilus.

§ Whom the Nicene Council, canon vii, had subjected to *Cesarea*.

the 37th and 44th, in which the bishop of Rome is not only *patriarch* of the western bishops, but the governor of all the patriarchs, as Peter ~~was~~ over the heads of christian religion? What of the 55th canon, which directs, that if a wife part from her husband in dispute, and will not return, though recalled by the priest and the bishop, the husband shall be free* *to marry another*? What of the 71st., in which it is provided, that, whenever a husband shall be found falsely to have charged his wife with infidelity, the wife, if she please to keep her husband, shall have power to retain him: but, if she will rather marry any other man, shall be free and without blame in so doing? What, finally, of the 25th canon, forbidding a *christian to keep two wives*, or to *maintain seraglios*? Does not all this savour of the condition of religious discipline, as it is known to have existed in the beginning of the fourth century? Does it not accord with what we learn from the *twenty* canons of Nicea, and from the undoubted testimonies of writers and fathers? The Pope you see is declared patriarch of the west. “There are four patriarchates,” says the 37th canon,† “throughout the world, as there are four gospels, four rivers,

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“four

* Evidently introduced under the pressure of Mahometanism as well as the canons next adverted to.

† Borrowed from speeches in the second Nicene, and in the synod of Constantinople against Photius, between the eighth and ninth centuries.

“ four angels, four elements, four winds, and four ingredients in the composition of man. The chief of these is the bishop of Rome in the see of Peter, as the apostles instituted ;...and all the bishops of the world are partitioned amongst these four.” Here the *incontrovertible* Rufinus is scouted, and the *radius* of 100 miles, *circumscribing the circle*, is broken up like a rotten twig. But it is not on such authorities the right of Peter was founded ; nor is it lawful to build upon that corner stone, with materials of stubble. *Columbanus* is free to breathe hot and cold : but *Noli non licet esse tam disertis*.

Yet although the *compilation*, it may be said, should be of the eighth or ninth century, the canon in question may be genuine. How then came it to pass, that not only in times immediately preceding the council of Nicea, we find bishops appointing their successors, but immediately *after* the celebration of that council ? Peter the martyr of Alexandria had appointed Alexander his successor.* This Alexander was the principal framer of the canons of Nicea ;† and, dying the same year, he *commanded* Athanasius and no other to be chosen his successor. “ Athanasius being absent,” writes saint Epiphanius, “ Achillas is ordained, in
“ order

* Epiph. Melet. διαδοχει καὶ αὐτοῦ Αλεξανδρου. αὐτος γὰρ διαδοχὴν οἱ ἔπειτα μετὰ τὸν ἀρχιερεῖς Πιερῶν.

† In literis C. N. ad Eccl. Alexandr.

order to prevent intrigue ; and governs three months. Upon whose decease, Athanasius obtains the chair, which was due to him, at once by vocation from God, and by *the decision of Alexander*.”* Athanasius, in like manner, when near his end, declared his choice of Peter, who succeeded him. Now, is it possible, that Alexander was ignorant of the canon, *he himself had framed or suggested* ; or that the party of Meletius would have neglected to enforce this canon against the appointment of Athanasius ? Were those so great bishops combined, *like Annas and Caiaphas*, to resist the *evidence of a general council* ? Was Epiphanius a stranger to the Nicene canons, when he considered the appointment of Athanasius, by his predecessor, as giving to the latter a just pretension and title to preference ? *Columbanus* therefore has permitted his *own* zeal on this occasion to take indecent liberties with his own understanding.

So

* In Hæc Ar. xi. διαδίδεται Αχιλλαν σιωπῶντα μιας τῆς Αθανασίου μακαρίου, ὃς Ἀλεξανδρὸς μὴ μὲν τιλοῦνται παραγγέλλει ἀποδοῦναι τὴν σιωπῶντα.....ὃ δὲ ἔρως ηὐ καὶ ἡ ἰκρυμένη ἐνομιμασία τῶ ἐν Θεῷ παλαίματι, καὶ ἀπὸ τοῦ μακαρίου Αλεξανδρῶν ὄρεσιναι. This sentiment is repeated (Melet. vi.) Saint Epiphanius was mistaken as to the succession of Achilles : but he could not have been mistaken in the general principle, as agreeable or repugnant to the Nicene canons. From the concluding part of this article it appears to have been written before the second general council.

So much for "the *fifty-second* canon of the council of Nicea *held* A. D. 325."

The second great authority is that of the Roman council under pope Hilarus, which Columbanus introduces with proper formalities. "*Be it remembered,**" that "a synod of forty-eight bishops, held by pope Hilarus at Rome in 465, condemned *with execration* the "practice of some bishops, who appointed their own "successors;"

This assertion is utterly false.

"And that all the assembled bishops, as soon as "that canon of condemnation was read,"

That canon of condemnation was neither made nor read.

"Rose from their seats and confirmed it, with *christian* abhorrence of such *infamous* practices."

Of all this, not a syllable is to be found, unless in Columbanus.

"And with *loud* and reiterated acclamations."

Before we hearken to those *loud* acclamations, let us understand from the proceedings in the council, *what* it was that the bishops *confirmed* in that way.

In this primatial synod of Hilarus, three canons were declared by the pope, I. Against the ordination of *Bigami*, II. Of illiterate, or maimed, or persons who had been under public penance, III. That each bishop present should have the option either to remove such, if ordained by himself or his predecessors, or

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* Columbanus page 41.

to answer for his neglect before the holy see. In conclusion, the bishops are called on to deliver their mind and reasons on these subjects; and to subscribe individually.

“ Moreover,” continues the pope,* “ strange and
 “ unheard of principles of error, make their appearance occasionally in certain quarters, as we are authentically informed by letters out of Spain. To be
 “ brief, some men consider the place of bishop, which
 “ *is only given to previous desert*, to be, not the gift of
 “ God, but a *testamentary perquisite*, and hold a belief,
 “ that the pontifical dignity is *like devisable and worldly substance*,

* In Labb. iv. 1061, in which these canons are ill named 2. 3. 4. as the preamble to the reading of the letters from Spain is misread erroneously Can. 5.

† Ibid. Præterea, fratres, nova et inaudita, sicut ad nos, missis de Hispania Epistolis, sub certa relatione pervenit, in quibusdam locis pervertitur: semina subinde nascuntur... Denique Nonnulli episcopatum, qui non nisi meritis præcedentibus debetur, non divinum munus sed hereditarium putant esse vendendum; et credunt, sicut res caducas atque mortales, ita sacerdotium velut legatario aut testamentario jure posse dimitti. Nam plerique sacerdotes in mortis confinio constituti, in locum suum feruntur alios, designatis nominibus subrogare: ut scilicet non legitima expectetur electio, sed defuncti gratificatio pro populi habeatur assensu. Quod quam grave sit, æstimare. Atque ideo, si placet, etiam hanc licentiam generaliter de Ecclesiis auferamus, ne, quod turpe dictu est, homini quisquam putet deberi quod Dei est. The phrases underlined tell pretty clearly to what species of appointment, Hilarus, perhaps inaccurately, thought the case out of Spain to belong. The phrases

“*substance, and can be transferred by the help of those*
 “*forms, which establish the trusts of a last will. For*
 “*several bishops, when about to die, are reported to*
 “*limit their sees to others by formal appointment in law;*
 “*with the view, as it appears, that legitimate election*
 “*shall not be waited for, but that the wish to discharge*
 “*an honorary duty towards the deceased, shall stand in*
 “*lieu of the assent of the people. Consider you, how*
 “*grievous a matter this is: and therefore, if you con-*
 “*cur, let us abolish, by a general rule, this arbitrary*
 “*power throughout all the churches; lest any man*
 “*should suppose (which it is shameful even to mention)*
 “*that the property of God is a debt or duty owing to any*
 “*man.*”

Surely this statement, made by the Pope to his bishops and presbyters, was not a petty feature in the case, and might have been fully told out by *Columbanus* without prejudice to his candour. A more profane abuse of the law of trusts and legacies could not be well imagined, than is here alleged. It was an attempt as ridiculously wicked, as it would be at the present day, to levy a fine, and, in directing the uses, to give out a *see* to laymen in *trust* for one *appointee* during his natural life. It was even more absurd. For it went to impose a *trust* on those, who were in possession of an *adverse right*, and to do this, as was alleged, by the aids of pretorian law. When *Hilarus* had represented such a case, and ordered the letter to be read,

read, it was natural that the assembly should cry out, O Christ, grant our prayer! Long life to Hilarus! ten times:—Let this sort of *usurpation* never be practised: six times:—The property of God cannot be bestowed by man; we beseech you, let it be ever guarded! we beseech you, to have it kept sacred and untouched.*

The preamble, during the reading of which, the council was applauding Hilarus, asks the Pope's confirmation for an *act of theirs* which they lay before him, "at the desire of the province and in conformity "to ancient precedent."† If it should appear, that the matter sought to be *confirmed* was *not*, whether a bishop could

* Labb. 1062 E. Cum legeretur, (viz. the preamble of the letter) ab universis Episcopis et presbyteris acclamatum est, Exaudi Christe: Hilaro vita! dictum est decies. Hæc præsumptio nunquam fiat: dictum est sexies. *Quæ Dei sunt, ab homine dari non possunt* (echoing the late words of the Pope). Per D. Petrum rogamus, ut in perpetuum *serventur*. Hæc ut *reserventur* rogamus. These words are curiously translated by Columbanus. "Hear this o Christ! Long live Hilarus: Let this *audacity* be *nowhere* committed! God's *gifts* cannot be *given away* at the *will* of man." The remnant of the acclamations, which he has carried back to stiffen the *loudness* of these, shall be given in their proper places.

† Beatissime et apostolica Reverentia in Christi a nobis colende Patet, ut *factum nostrum* quod tam voto pene omnis provincie quam *exemplis vetustatis* in notitiam vestram deferatur, perpensis assertionibus roborare

could recommend his successor, or *appoint* him, but a quite different cause, though implying possibly a great perversion of that episcopal prerogative, the consequence will be, that the Spanish bishops, one hundred and forty years after the council of Nicea, had not, as yet, learned by hearsay of that great *fifty-second* canon of the Nicene council. If, besides, it shall appear, that Pope Hilarus ultimately decided the point, on a ground expressly distinct from the usage of *recommending successors*, or *appointing them* in a limited sense, what will have become of the fabulous *exccration* and *canon of condemnation*, so *loudly confirmed* by the “be it remembered” forty-eight bishops? To proceed with the letter from the Spanish bishops. “Nundinasius of Barcelona, now “with God, departed this life. He had, established “our brother, Ireneus, a bishop within his jurisdiction, “with our consent; by the *disposal of his last will*, he “*demised* to him all, that his poor *condition was possessed of*, *expressing his desire*, that Ireneus should “*take in succession after himself*. But as to *desert*, the “authoritative opinion of the deceased is confirmed by “experience.”*

“Here,”

* Labb. ibid. 1062. Hic Episcopo venerabili, fratri nostro Ireneo, quem ipse antea in diocesi sua nobis volentibus constituerat, *derelinquens* ei, quod *potuit habere* paupertas, in locum suum *ut substitueretur*,
episcopi

“ Here,” say the acts, “ a bishop, named Probus,
 “ rising up from his chair, said ; The former act was
 “ lawful, the latter was not lawful. *Successors are to be*
 “ *given by God. By your apostle, I conjure you to make*
 “ *head against this business. Hilarus said, Read on.** The
 “ notary continued ; For the clergy and commonalty
 “ of Barcelona, the leading men and majority of the
 “ province framed and gave in their instrument of
 “ consent, and expected from us, that Ireneus would
 “ be

optell, sed defuncti iudicium in ejus meritum non vacillat. Although the legal terms *opto* and *substituere* are here used, and the *supreme voluntatis altitudo*, I think it will be manifest to him, who reads the whole letter, that Nundinusius never resorted to the method charged upon him ; and that the words already cited are the expressions of the bishops themselves, amounting merely to a *dying recommendation*, which every bishop is bound to give. At the same time the phrase, *derelinquens quod potuit habere paupertas*, being liable to be referred either to the *see* or to the *recommendation*, but more naturally to the former, the uncouthness of the style was a just ground for the misconstruction of the Roman synod.

* Ibid. Et cum legeretur surgens e Consensu Probus Episcopus dixit. Illud licuit, hoc non licuit. Successores Deus dat. Auctoritate vestra resistite huic rei per apostolatam (leg. apostolum vestrum). This interruption by Probus is given by *Columbanus* as a confirmation by all the bishops rising from their seats, in christian abhorrence of the infamous practice. His version is, “ we entreat you, by your apostleship, to resist this with all your authority.” P. 41. His misapprehension of *auctoritas* may be pardoned ; so may his adopting the erroneous *apostleship*, for the adjuration by Peter. But how account for the *we*, instead of *Probus*, and the mistake of *Probus*, whom the Pope silenced, for a confirmation of a canon never made ?

“be allowed to *succeed*. We, considering the deli-
 “berate opinion of the deceased, finding the life of
 “Ireneus laudable, and satisfied of the importance
 “and numbers of those who petitioned, as well as view-
 “ing the good of the said church, have thought it
 “best, that a bishop so great, who had been translated
 “to heaven, should be replaced by a prelate of not
 “inferior desert; especially as the church in that
 “town, in which Ireneus had been previously estab-
 “lished, has been always unquestionably within the
 “ecclesiastical jurisdiction of Barcelona;* we there-
 “fore humbly beg, you will establish with your chief
 “authority our decree, which we consider to have been
 “made on just grounds.” The case has taken a new ap-
 pearance. The Spanish bishops do not consult on the
 propriety of an appointment by Nundinasius, but seek
 the confirmation of their own act, in having *translated*
 Ireneus to Barcelona, which was forbidden by the
 Nicene canon. It is now also plain, that the expres-
 sions, seemingly intimating a *legal* bequest of the see,
 were not considered by those bishops, as any thing
 more than a recommendation by the deceased; and
 that the latin word, *substitutio*, was not a term of *con-*
veyance,

* Ibid. Nos cogitantes defuncti iudicium, &c. optimum duximus ut
 tanto Antistiti, qui ad divina migraverat, non minoris meriti substitu-
 eretur antistes, præsertim cum Ecclesia illius Municipii, in qua antea
 fuerat ordinatus, semper hujus Civitatis Ecclesie fuisse constet.

vengeance, how unluckily soever it might have been introduced. When this letter was read through, no further remark was made either by the Pope or the bishops. Indeed the text itself was the fullest refutation possible of the bad meaning, which its affected wording had excited. Next after this, was read *another letter* from the same bishop against Sylvanus of Calahorra, who had usurped on the rights of the Metropolitan and of his brother provincial bishops. This second letter being read, the bishops and presbyters in the Roman synod cry out ; “ We ask that all this be amended ; that all this be severely cured. We ask that discipline be guarded ; that privileges (Metropolitan) be preserved, that *canons* be adhered to,—that the usurpers be chastened canonically,—that the *ordinance of the holy see* be kept without violation.” These are the acclamations, which *Columbanus* has lent to the business of Ireneus, notwithstanding that they were appropriated to a different question, and although they were uttered *about a month after* the former acclamations.*

The

* These latter acclamations are partly garbled in *Columbanus*, misled perhaps by his authorities ; partly are mistranslated with cruel blunders. He translates “ ut disciplina servetur, rogamus ; ut *auſ-*
gatus servetur, rogamus ; ut Canones custodiantur, rogamus ; ut in *presumptoris* vindicetur, rogamus ; *ordinatio apostolica* illibate servetur ;—We demand, that discipline be maintained ! We demand, that *several Canons* be adhered to ! We demand, that the violators of them be punished !

The rescript of Hilarus to the Spanish bishops furnishes indisputable evidence, that the Pope did not persist in impeaching the *appointment* of Irenæus, on the grounds of an improper recommendation. Indeed, that he would have acted rigorously in resting on that point, is scarcely to be questioned: for Irenæus, if otherwise eligible, had the full consent of the clergy and people, as well as the concurrence of the bishops, who declare, that *they* had taken into consideration, not only the recommendation of the deceased, but also the general wish and consent, the merits of the candidate, and the advantage of the particular church. Now, attend to the papal decision concerning Irenæus.

“ In the proud spirit of disobedience and contempt
“ towards

punished ! Let *apostolical ordination* be preserved inviolate.” As many mistakes as acclamations. 1. The mistake of *demanding* appears from the course of papal synods. 2. *Antiquitas* is *ex antiquitate*, or metropolitica prerogative. 3. *Præsumptor*, is not a violator of Canons generally, but of the canonical rights of the provincial bishops or metropolitan ; as *pervasor* is an actual invader of the limits of territorial jurisdiction. 4. *Ordinatio apostolica* is not *apostolical ordination*, but the *apostolical or papal ordinance*.

In the acts of this Roman synod there is a chasm of more than a month between the first sitting and *former* acclamations, and the *final* sitting with those last-mentioned acclamations. The first session was held 15 Kal. Dec: in the last the letter or rescript to the Spanish bishops was read and ordered to be published, (p. 1064, *quoniam præsentis*): This letter is dated 3 Kal. Jan. The *sententia Episcoporum* belong to the former session, and have no connection with the business of the last day.

“ towards the 318 Fathers, even that canon has been
 “ slighted *forbidding any man to quit his church and to*
 “ *usurp the passage to another* : this is what *Ireneus the*
 “ *bishop attempts to practice*, under your gross conni-
 “ vance, not to say your maintenance; and *what you*
 “ *wish to have confirmed by our authority.*” Ireneus is
 next ordered back to his own church, and a bishop is
 ordered to be chosen from the proper clergy of Bar-
 celona. The decree adds generally, but without any
 application, “ Nor let the episcopal dignity, which is
 “ conferred on us *by the bounty of God alone*, be *sup-*
 “ *posed* a devisable property.”* Hilarus could not
 have withdrawn his first opinion on the case, more
 effectually, than by thus inculcating generally an
 undisputed maxim, yet justifying his refusal of the
 confirmation sought, on those very *Nicene canons*, of
 which a dispensation was asked.

What think you at present of the attempt to prove
 a *fifty-second* canon of Nicæa from the synod under Hila-
 rus? What do you think of the loud *acclamations*, the
execrations, and *rising up* in abhorrence of the *infa-*
mous practice? Hilarus abhors the taking legal posses-
 sion

* Labb. iv, 1036. Hilar. Epist. ad Ascan. In quorum (cccxviii Patrum) contumeliam a superbo spiritu pars illa contemnitur qua retatur, *ne quis, relicta Ecclesia sua, ad alteram transire præsumat*, quod nimis improbe conniventibus et, ut doleatur gravius, vobis assententibus, Ireneus Episcopus conatur admittere, And (iii, ibid.) Nec Episcopatus honor *hereditarium jus* putetur, quod nobis sola Dei nostri benignitate confertur,

sion of a see by force of the *law of devises*, and attempting to transmit episcopal authority by the words of substitution in a Trust-deed. His zeal is directed against a monstrous error, which he declares to be without a *precedent and fast belief*. Such was the abuse, which the Pope either detected, or surmised in the proceeding at Barcelona. Consequently, the *strange and novel attempt* could not be any thing such as the greatest bishops of the church had practiced; even Ambrose, in his last moments, and when almost speechless. Hilarus, although he proposes to abolish such arbitrary power; yet afterwards, as we must suppose, being better informed, is satisfied with declaring against that, which no christian in the civilized world ever attempted to palliate, that is to say, the transmission of authority in the church, by the rules of descent or of devise.*

We have got over two of the formidable arguments, namely, "*the councils of Nice and Rome, whose canons are respected by all the different sects of christians*"
"from

* Natalis Alexander, a most industrious and very often a judicious compiler, is quoted by *Columbanus*, *ibid.* p. 43. However the passage quoted is literally copied from the words of Hilarus already given. *Columbanus* also quotes Sandini, a modern *Literateur*, in proof, that "Hilarus promulged *five canons* for settling ecclesiastical discipline, and by the last enacted, that *no bishop should chuse his successor*." *Columb.* *ibid.* in note. Was it not as easy to have seen, in the council itself, that *no five canons*, nor such *5th canon* existed, as to see, that Sandini copied, from some other book, that *such canons were made*.

“*from pole to pole*,”* and no wonder they should, being invisible. We have a third argument to come, and another, *Be it remembered*.

“Be it remembered, that the great saint Augustine, “*finding that this decree*” (i. e. the *fifty-second canon* of the Arabic compilation made out *four hundred years after his death*), “had been violated in his own nomination to the see of Hippo, throws himself on the mercy of God and the forgiveness of the Catholic church, because he knew not at the time of his nomination, that such a decree, as the *above Nicene*, “had ever been made. Adhuc in corpore posito S. Mem. Patre et Episcopo meo, Sene Valerio, “Episcopus ordinatus sum et sedi cum illo, quod Concilio Nicæno prohibitum esse nesciebam nec ipse “sciebat.†

It cannot be surprizing, that saint Augustine knew nothing of the *above Nicene* decree, since Athanasius and Alexander and the *Nicene council* itself never heard of it. I hope, that the bishop of Hippo has obtained the *forgiveness of the Catholic church* for the irregularity of his nomination: but I cannot repress two observations upon this argument. The first, that *Columbanus*, against his usual way, has omitted the translation of his Latin text, which, in short, means thus. “While my father and bishop Valerius, then “advanced

* Columb. same letter p. 44.

† Columb. ibid. p. 42.

“advanced in age, was yet living, I was ordained
 “bishop, and *I governed as bishop in partnership*
 “*with him*, which I did not know to be forbidden
 “by the Nicene council, nor was he better
 “informed.” Here I understand, why the Latin was
 left to shift for itself. Saint Austin declares, not only
 that he was ordained in the life-time of Valerius to be
 a bishop, jointly with him, but that *they both go-*
verned, as joint possessors, which was forbidden by the
 Nicene council. This truly points at once to the 8th
 canon, disapproving of two bishops in one city; that
 is to say, *two bishops holding a coequal right of church*
government, or, two supreme ecclesiastical rulers.
 Without going further than the Decretals, *Colum-*
lanus would have found the letter of Paulinus* felici-
 tating the appointment of Augustine, not as an *as-*
istant bishop, but as an *additional independent* bishop
 in the church of Hipporegia. The Africans had no
 Chorepiscopi: their usage was against multiplying
 sees; and as to ordaining to foreign titles, the practice
 had not sprung up, for christianity had not as yet lost
 an inch of ground. Therefore even the ordination of
 saint

* Decret. q. Caus. 7. 9. 1. xii. Paulini ad Romanianum. Non autem
 tantum hoc scribimus gratulandum, quod Episcopatum Augustinus ac-
 ceperit, sed quod hanc Dei gratia curam meruerint Africanæ Ecclesiæ,
 ut verba coelestia Augustini ore perciperent: qui ad majorem Domi-
 nici muneris gratiam *novo more* *profectus* ita consecratus est, ut non
 accederet in *cathedra* Episcopo, sed accederet; nam, incolumi Valerio
 Hipponensis Ecclesiæ *Episcopo*, *Coepiscopus* ordinatus est.

saint Augustine as bishop, even without the express addition of his having been joint governor in the church, even without the testimony of Paulinus, did necessarily import a duplication of the episcopal office and pastoral rank in one and the same church, which the council of Nicea intended to abolish, but which subsisted for several years, after that council, in remote districts.

The second observation I am compelled to make is this. *Columbanus*, four lines after this argument quotes Natalis Alexander. Now, that Author* gives the same argument, (taken from the attempt of Abraham Echellensis to bolster up the authenticity of the *Arabic* canons) and the same quotation from saint Augustine, and answers it, as I have done. When *Columbanus* borrowed the objection, he might as well have borrowed the solution, and then confuted it, if so pleased to do.

But, what if the great saint Augustine, while thus throwing himself on our forgiveness,—while pleading ignorance of that Nicene canon, forbidding bishops to *choose* or appoint *for election* their successors; what if the penitent saint Augustine did himself at the very same time wickedly and of prepensed malice, *recommend, designate* or *appoint for election*, and *cause to be elected* one Eradius, to be his successor? Impossible! you will say.

3 0

Impossible

Impossible surely, if any *fifty-second canon* was known to him. Augustine convenes his people, and, as if to resist, like Annas and Caiaphas, the *evidence* of a *general council*, he says, “*My will is that Eradius shall succeed me.*” Eradium Presbyterum *successorem mihi volo*. Think of this! “But I will not have that matter of blame objected to my Son, which was alleged in my own particular: he shall *remain as he is*, a presbyter, with “*the certainty of being bishop*, when God shall please.” The people *thanked* saint Augustine *for his designation*;† the notaries took down their acclamations and consent; and thus the “*canons venerated from pole to pole*” were lamentably not made at the time.

“Will the bishops,” says Columbanus,‡ “shake the Irish Catholic church to its foundations by *venturing to persevere* to nominate *their own* successors, in defiance of *these venerable decrees*? Will they overturn the *sacred canons* of the *universal church*? Let them answer to their country, and above all” (here comes Jonah the Prophet in a new trim), “to God, whose *tremendous judgments approach them* near at hand, “whether a *bishop appointed* by a living bishop, to be *his own successor*, can be *conscientiously* considered “*elected*

* Quod reprehensum est in me, nolo reprehendi in filio meo. Erit presbyter, ut nunc est, quando Deus voluerit, futurus Episcopus. T. 2. Ep. 215, Edit. Venet.

Indicio tuo gratias agimus. ‡ p. 42, 43, 44.

“ *elected by the Spirit of God*; he being nominated
 “ *without any election*. Is there a protestant bishop
 “ *in Europe*, who would *dare* to bequeath his diocese,
 “ *as the Catholic bishops now dare* to do in Ireland.
 “ *Pudet hæc opprobria nobis, et dici potuisse, et non*
 “ *potuisse refelli.*”*

Let not any reader laugh at this sample of counterfeit fanaticism. It is by such methods, dishonest and disgusting as they are, that the cause of anarchy in religion is evermore conducted. What signifies it to the leveller's conscience, that his assertions are fabulous, and that his convulsions of inspiration are a jest, provided the multitude will take all in good earnest, and follow the prophet? It is *not* true indeed, that at Nicea or at Rome such canons were made; it is *not* true that *all sects, or any sects of christians from pole to pole* venerate those unexisting canons: but, if the assertion of untruth will serve his purpose, why exact from *Columbanus* a delicacy as to the *means of pursuing an atrocious design*? When he summons the Irish bishops to *answer to their country*, he does nothing more than has been often attempted, in stirring up a spirit of bloodshed: when he threatens them with the near approach of God's *tremendous judgments*,
 he

* In English. “What shame! that such vile reproaches should be cast upon us, and this without the possibility of refutation.” On whom, or by whom the vile reproaches are cast, *Columbanus* leaves us to guess.

he merely pronounces a sentence of damnation upon those bishops, while he turns them over to the *justice of the country*; and, by this precautionary recommendation, secures them *against* the danger of an *acquittal*. That *Columbanus* has not been attended to in Ireland by Catholics, must not be thought to diminish the merit of his endeavour: let him but have his choice of materials and of men; you will find him succeed as well as John of Leyden, though he should quote *pope Sinbad the sailor* instead of pope Hilarus, and though he should appeal to the *original manuscripts* of Gil Blas for the *suburbicarian* territory.

After the tragical parade of the 52d of Nicea, of the synod of Hilarus, of the *contrition* of Augustine, Bodleian manuscripts, divine judgments and national impeachments, I find *Columbanus* acknowledging,* that saint *Augustine* of England, (Bede B. 2. ch. 4.)

Sacerdos

* Columban. first letter p. 70. 71. "Another *objection* not quite so " *profligate*, may be founded on the examples &c." The paragraph of *Columbanus* begins without any sort of connection, even of optical illusion, with the preceding matter. No *objection* had been previously adverted to; nor indeed is the tenor of discourse quite as rational as it might be. However, candour obliges me to state, that the Author in his *prologus galeatus*, informs our Nation, that in his hurry to submit his researches to the Irish on *saint Patrick's day*, 1810, (a day, as we all know, immemorially consecrated to metaphysical soberness and canon law *parodies*) he mistook the name of the *Dublin Coadjutor*, whom he had anathematized in the text, as appointed *without the Spirit of God* and in a way expressly forbidden by the canons.

Sacerdos of Lyons and several others,* as mentioned by Natalis Alexander, T. 5. did appoint their coadjutors, *cum futura successione*, in consequence of illness or old age. But *Columbanus* remarks, that “Natalis Alexander, the learned Theologian, observes, that these cases are exceptions to the laws, and repugnant and revolting to the spirit of the church: that even in these cases the free consent of the diocesan clergy was required; and that in no case could a bishop be obtruded on the clergy of the diocese, if they were unwilling to receive him.”

Must I answer this nonsense? Must I reason against a man, who, in the same one breath, terms the same instances *exceptions to the laws*, and *repugnant to the spirit* of the church? O foolish civilians and philosophers! Your opinion had been, that every *exception to law* had been provided for, either in its text or by its *spirit*. You were simpletons in the business, which *Columbanus* has taken up for his occasional recreation. You must invert your language henceforth, and satisfy the inquisitive species of mankind, how cases will happen to be *exceptions to a law*, in other words, not to be within its letter or provision, and yet to be *revolting to the spirit* of the legislator. An *exception*, said an old legal writer, *confirms the rule*; and such indeed was *anciently* the condition of the laws. From the proclamation

* *Columb. Ibid. p. 71.*

proclamation of *Columbanus* on saint Patrick's day, 1810, the *exception* to the law is to be a *violation* of its *spirit*, as to all penal intents. May God defend us from the peril of such rigorous critics becoming the executive instruments of any human law, or the expounders of any divine law!

Natalis Alexander, it seems, is a *learned theologian* for *Columbanus*; nor do I dispute the great industry and erudition of that Author. But I have always understood, that he who appeals *generally* to the opinion of an arbitrator, does virtually own the competency of that man's judgment, on every question of fact connected with the decision. How comes it to pass, that when this *Natalis Alexander* vindicates to the bishop of Rome the abstract *right* of ordaining bishops *throughout the West*; that, when *Natalis Alexander* refutes at length and satisfactorily (though I have abstained from using his proofs), the silly argument from *Rufinus* concerning a *suburbicarian* district; *Columbanus* not only has quashed in high silence the *learning* of the *Theologian* on *that* subject, but has involved him, as a stickler for the *Western patriarchate*, in the censure of *total ignorance of ecclesiastical history*? This is not consistent.

But how does *Columbanus* quote the learned Theologian? Truly, by representing, as of *one* passage and one age, two several extracts, which, separated by one hundred years, are divided by near three hundred folio pages

pages intervening. The passage referred to by *Columbanus* in the text (T. 5. 451) regards the *sixth century* and the beginning of the seventh. The general practice of that time is thus recorded by *Natalis Alexander*. *Bishops were wont to designate coadjutors, with a contingent succession, to themselves, when either the necessity or the advantage of the church required that measure.** Not to speak of *truth*, is it not a grievous affront to reason itself, that *Columbanus* should represent the Theologian as declaring those instances to be *repugnant to the spirit of the church*, which the Theologian himself declares to have been either *necessary to the church or advantageous*? Again; *Columbanus* pretends that, according to the learned Theologian, the consent of the diocesan clergy was *necessary even in these cases*, that is, the cases of *Augustine, Succrdos*, and the others. Now, of such consent not a syllable was written by the *Theologian* on the subject; and from the very foremost of his instances, namely, that in *Bede's* history of *Augustine of Canterbury*, it is evident, that no such consent was thought of. “*Augustine*,” writes the venerable *Bede*, “was succeeded in the episcopacy by *Lan-*”
“*rence*, whom he himself in his life-time had ordained,

“*lest*, on his decease, the state of the church, as yet

“*unfinished*, should totter, even for a little space of

“*time*, for the want of a pastor. *In this he followed*

“*the*

* Nat. Alex. ibid. §. x. Coadjutores cum futura successione sibi designabant episcopi, si id necessitas aut ecclesie commodum postuleret.

“ *the example of the first shepherd, I mean, that of Peter, the chief of the apostles, who, having founded at Rome the church of Christ, is related to have ordained Clement at once his coadjutor in the gospel preaching, and his successor.**” Could Natalis Alexander, when he referred to Bede, have been either so stupid as to foist into this account *a necessary consent of the clergy*, or so wicked as to impeach the precedent, made by saint Peter, *of revolt or of repugnance to the Spirit of the church?*

So much for that part of the question, which *Columbanus* has marked as of Natalis Alexander, when relating the designation of Laurence by Augustine, and the instances of *Sacerdos* and the others in *the sixth century*. It remains to examine the *observation* attributed to the *learned Theologian*, as if made on *those instances*, but in fact applied by Natalis Alexander to the preceding centuries, especially the third, fourth, and fifth. Let us give the instances from the Theologian himself.

First,

* Bede Hist. Lib. 2. c. 4. initio. Successit autem Augustino in episcopatu Laurentius, quem ipse ideo adhuc vivus ordinaverat, ut, si defuncto, status ecclesie tam rudis vel ad horam pastore destitutus vacillare inciperet. In quo et exemplum sequebatur primi pastoris ecclesie, id est beatus. Ap. stolorum principis Petri, qui, fundata Romae Ecclesia Christi, Clementem sibi adiutorem evangelizandi simul et successorem consecrasse perhibetur.

First ; *Valerius of Hippo procured saint Augustine to be ordained joint bishop with himself.* This instance is given at length by *Columbanus*, with the small mistake of having confounded *joint bishop* with *coadjutor*.

Second ; *saint Augustine, with the consent of his clergy and people, appointed Eradius to succeed himself.* This instance has been prudently omitted by *Columbanus*, and honestly. It might have thrown a doubt on the *penitence* of saint Augustine, as well as on the 52nd *Arabic canon*, which is the 53rd inter *Codices Justellianos*.

Third instance ; *Severus, bishop of Milevis, appointed a successor to himself with the consent of his own clergy, without asking the consent of his people.* Upon the decease of *Severus*, some disagreement ensued, which was pacified by saint Augustine. This instance is not mentioned by *Columbanus* for very obvious reasons.

Fourth, fifth and sixth instances ; *Alexander, in the fourth century, appointed Athanasius his successor.* *Alexander* of Constantinople appointed *Paul and Macedonius* as most worthy to succeed him. *Athanasius* appointed *Peter* to succeed him. The magistrates and people agreed in the election. These instances are omitted by *Columbanus* for right excellent and worthy reasons.

But the seventh instance of *Ireneus* is not forgotten by our Polemic, nor the observation, that *Pope Hilarius* declared such designations by bishops at the point of

death, null and void, though made with the consent of the provincial bishops. Columbanus could not forego this instance and observation, although grounded in a double mistake ; because, first the case of Ireneus was really decided upon as a case of translation, which I have proved : again ; the provincial bishops neither were asked nor granted any consent to the designation, until after the death of Nundinasius, as we have seen,

Eighth instance ; On the flight of Narcissus, a bishop was ordained to Jerusalem by the provincial bishops ; omitted by Columbanus. Columbanus however does not omit the council of Antioch in the fourth century, forbidding, as Natalis Alexander observes, such designations at the point of death. I therefore am bound not to omit, that this council of Antioch was held by Arian bishops, the conspirators against Athanasius, and that the canon in question was made by those conspirators, and with the evident intent of crushing the orthodox churches, by depriving bishops of that necessary remedy. I am bound not to omit, that Beveridge must have informed Columbanus of this fact, even though he had not learned, that John Chrysostom impeached those canons on this very ground, and that Innocent I. declared, that those canons were not acknowledged at Rome.

Columbanus does not omit the remark of the learned Theologian, that such designation was always foreign to the usages of the church ; but he envenoms the observation

vation by rendering it *revolting to the spirit of the church*; thus attaining the sacred memories of the greatest doctors of faith and luminaries of holiness, that have ever appeared.

But how will *Columbanus* extenuate the *prudence* of his omitting these concluding words of the *learned Theologian*? “ Although, whenever the good of the church demanded, the most holy bishops, either with the consent of clergy and people, or with the consent of the provincial bishops, designated their successors, or appointed coadjutors with the hope of succeeding.” Quamvis, postulante Ecclesiae bono, sanctissimi Antistites, clero et plebe, vel comprovincialibus episcopis consentientibus, successores suos designassent, aut coadjutores cum spe futurae successionis assumpsissent.*

“ Pope Celestine I.,” adds *Columbanus* “ who sent saint Patrick to Ireland, exhorts the clergy to resist such uncanonical nominations, (i. e. designated coadjutors with the chance of succession) and to insist on a bishop being chosen from amongst the clergy of the vacant diocese. Leo the Great says, *Ex presbyteris ejusdem ecclesiae vel ex diaconibus optimus eligatur*, i. e. Let choice be made of the best presbyter or deacon of the same church. Epist. 84.”†

To

* Natalis Alex. T. 5. p. 177.

† Columban. *ibid.* in note “ Tunc alter de altera eligatur Ecclesia si de Civitatis ipsius clericis, cui est Episcopus ordinandus, nullus dignus, quod evenire non credimus, poterit inveniri, sit facultas clericis

To begin with the last, namely, with Leo the Great, it is true, that he has written the words alleged; they appear in his instructions to the bishop of Thessalonica (Labb. iii. 1385. S. vi.); so that I have nothing to reply beyond two *little* points: the *first*, that neither in this, nor in any other epistle, does Leo treat of, or allude to any designation of coadjutors or successors; the *second*, that, of this very quotation, the first leading words have been suppressed, viz. “on the death “of a Metropolitan;*” and that Columbanus forgot to state, that, in the preceding paragraph, Leo had allowed bishops for *sees not metropolitan* to be chosen without any such restriction, because we know, that any bishop might resign his clergyman to another church.

Now, as to Celestine I., *who sent saint Patrick into Ireland*, first of all, neither does Celestine mention a title of designating coadjutors. Secondly, he does not write to the *clergy*, but to the bishops in Gaul. Thirdly, he does *not* exhort the clergy to *resist*, and to *insist* on a bishop being chosen from amongst the clergy of the vacant diocese.

The

“*ricis renitendi, si se viderint pręgravari, et quos ingredi sibi ex adverso agnoverint, non timeant refutare.*” Such is the quotation as given by Columbanus from the papal letter, on which I will barely observe in this place, that instead of *ingredi ex adverso*, the words in the letter are, *ingeri ex transverso*.

* *Metropolitano vero defuncto.*

The reader will be pleased to know, that the words of Celestine, *omitted by Columbanus*, declare, that before a clergyman be taken out of *another church* for the office of bishop, all the clergymen of the vacant diocese should be inspected and set aside. They also declare, that no clergyman should be deprived of the fruit of his *long and assiduous* residence in that church, in which *he had served through every degree* from his first vocation.*

If this regulation were still in force, then adieu to the pretensions of absentee candidates. The letter of the pope continues; "Let the clergy *be empowered to take defensive steps*, if they see themselves overborne unfairly; nor let them fear to *disprove* the claims of those, whom they find driven in upon them athwart their progress."

This was written by Celestine to the bishops of the two provinces of Vienne and Narbonne: it directs those bishops to maintain the clergy of a vacant diocese in the right of appeal, and in the privilege of impeaching the competence or superiority of a *foreign* candidate. By *Columbanus* the direction to bishops is refined into an exhortation to the *clergy themselves*.

Of

* Primum enim illi (civitatis ipsius clerici) reprobandi sunt ut aliqui de alienis Ecclesiis merito praeferantur. In aliena stipendia minime alter obrepat, nec alii debitam sibi alter vindicet mercedem. Labb. iii. 1621. S. 5.

Of necessary consequence, the *exhortation* can be no other than to *resist* and to *insist*; in which two points, we have found the entire of the *second order of Columbanus* very steady from the days of Constantine. The ending words of this quotation are omitted by our author; “For *although they*” (the clergy of the *acant see*) “*should not obtain the prize due to them, they*” “*should possess at least the freedom of judging concern-*” “*ing that person who is to be their ruler.*”^{*} A strong specimen of the art of quoting is here given by *Columbanus*. After distinguishing (with what justice we shall see hereafter), between *election*, as made by the people, and *appointment*, as made by bishops, he first misquotes the address of the letter; next, he omits the conclusion of the paragraph; from both of which it is evident, that the bishops were instructed to maintain the rights of the *clergy* against *some certain third party*; and that the right of the *clergy* was *not* of *insisting peremptorily*, whereas Celestine supposes a case of their being defeated. But what is best of all, *Columbanus*, who gives the Latin words marked below,† which plainly refer to the *popular choice*, inasmuch as they

refer

* Qui etiam non debitum præmium, vel liberum de eo qui eos rectorus est debent habere iudicium.

† Tunc alter de altera *eligatur* Ecclesia, si de civitatis ipsius clericis, cui est Episcopus ordinandus, &c. Amongst other proofs for *election by clergy and representatives of the people*, *Columbanus* alleges the title in the pontifical, *De consecratione Electi* in Episcopum.

refer to a case, on which the *clergy* are liable to be rejected, one by one, and on *which* their remedy is given, by Celestine, in appeal ; *Columbanus*, I say, disregarding at once the sense and the phrase, metamorphoses the case of *people* and *clergy* at issue, into one of *uncanonical appointment* by *bishops*.

This dictatorial method of acting towards Celestine I., who sent *saint Patrick* into *Ireland*, is the more blameable, as that pope has more than once inculcated, from what quarter the abuses arose of preferring foreign *clergymen* and *laymen* to episcopal sees. Nestorius had been taken from Antioch and ordained to Constantinople by the wish of the Emperor. When it became necessary for the pope to rebuke Nestorius, he did not fail to blame the *foolish preference* shewn to *reported goodness*,* above the approved worth of the *clergy* of Constantinople. When, Nestorius being deposed, Maximian was ordained to the see of the capital, this same Celestine extols the purity of his appointment, because he neither had gained that station by the ostentatious display of wealth, nor by leaping over the intermediate degrees, as was done by ambitious candidates, but by the *suffrage of the humble and religious multitude*,† to whom he had dispensed seasonably

* Celestin. ad Nestor. Aliquantis diebus. Labb. iii. p. 353.

† Labb. ii. p. 1636. sed *suffragio pauperum*, quibus fidelis servus et precans cibum dabat in tempore, super omnia domini sui constitutus erat bonus.

seasonably the spiritual food. From the letter of the
 Celestine-I. to the bishops of Apulia and Calabria, we
 learn, that the abuse of the laity electing *laymen to*
bishoprics, had introduced itself into the South of
 Italy, "We are informed," writes this pope, *who*
sent saint Patrick into Ireland, "that certain cities,
 "whose bishops have deceased, are about to demand
 "Laymen to be ordained their bishops, not only
 "judging unfairly of their own clergy, in scorn to
 "whom they act thus, but harbouring the worst possi-
 "ble opinion of us, when they imagine we can ac-
 "cede to such demands. They never would presume
 "thus, were not the inclination of some *individuals*"
 (i. e. bishops) "in connivance with the unlawful at-
 "tempt. We warn you, each and all, not to admit
 "into ecclesiastical rank any layman, lest, &c. *The*
people is to be taught, not to be followed. It is our
 "duty, when they are ignorant, to admonish them of
 "what is lawful or unlawful, not merely to lend our
 "will to theirs. Let this be published through the
 "vacant dioceses."*

Doc

* Epist. 3. Labb. i. 1622. Audivimus quosdam propriis destitutos
 rectoribus civitates Episcopos sibi velle potere de laicis...non solum male
 de suis clericis, (in quorum contemptum hoc faciunt) judicantes, sed
 de nobis pessime, quos credunt hoc posse facere, sentientes. Quod
 nunquam auderent, si non quorundam illicitis consentiens sententia com-
 moveret.

Do not these extracts throw light on the epistle of the bishops of Vienne and Narbonne? Do they not show whence dangers arose? Do they not tell aloud, that Celestine had in view the growing evil of the powerful laity, and rich clergymen speculating upon church honours, when now the church had gained temporal possessions? Does not Celestine, by an ostensible letter, blame the truckling of some bishops to profane speculation? Does it not appear manifestly, that the pope, whether he directs the clergy of a vacant see to be preferred before foreigners and unknown persons, whether he reprobates the election of laymen to bishopricks, seeks equally to oppose the influence exercised by the *lay electors*?

I find however a distinction made between the ordination of *foreign clergymen* and that of *laymen*. The former is allowed under certain restrictions: the latter declared to be *incurable*.* Now, what are we to think of Columbanus, who in one and the same publication, speaks to this Celestine against the *appointments, by*

3 Q bishops,

et.....fraternitatem vestram commovimus ne quis laicum ad ordinem clericatus admittat...docendus est populus non sequendus. Nosque nesciunt eos, quid liceat, quidve non liceat commune, non his consensum præbere debemus...Per totas ergo hoc, quæ propriis retribus carent, Ecclesias volumus innotescat.

* Celest. in Epistol. ad Episc. N. and V. §. vi. Abstineatur etiam ab illis ordinationibus. Nullus ex laicis...ordinetur...si quæ facta sunt illicitæ ordinationes, remaneant quoniam stare non possunt.

bishops, of bishops ; and appeals to a 52d canon of Nicaea, for the lawfulness of *consecrating a layman*, which Celestine declares to be *beyond a dispensation* in his age ? Again ; what are we to think of *Columbanus*, who alleges the authority of Justinian for the mode of electing *bishops*,* whereas Justinian expressly admits the ordination of *laymen three months after their election*, in direct contradiction to the authority of Celestine, *who sent saint Patrick into Ireland*, of Zosimus,† of Innocent I.,‡ of Siricius,§ and of the council of Sardica,¶ of which the canons were associated by the church of Rome with those of Nicaea ?

Since *Columbanus* has kindly introduced to our notice Celestine I., *who sent over saint Patrick*, may I be permitted to quote the opinion of this pope, concerning the *divine right of the second order to discuss and judge on causes of faith* ? His letter to the bishops of Gaul, rebuking their passiveness for allowing the memory of the glorious saint Augustine to be reviled by certain presbyters, and the *independent authority of teaching* to be assumed by the *second order*, is so very *exclusive* as to risk the following words :
 “ It is to your blame we may more justly impute this
 “ disturbance,

* Columb. Letter first, p. 47.

† Ep. i. ad Hesychium Labb. ii. 1556.

‡ Ep. iv. ibid 126 ult. § Ibid. p. 1021.

¶ Can. ciii. (n Dionys. Ex.) x. in Greek.

“disturbance,—when those presbyters have *the licence*
 “*to discuss over your heads.* What can be hoped for
 “in a state of things, *where the masters are silent, and*
 “*those speak, who if the fact be as stated, could not*
 “*have been their scholars?* I fear this silence may be
 “connivance. I suspect, that they, *who permit*
 “*others to speak so,* are in reality delivering those
 “sentiments.—Let then the persons I advert to be
 “corrected. Let *them not be allowed to hold forth as*
 “*they think proper.*—My brothers, hold a consultation
 “for the peace of the Catholic laity.—Let those persons
 “know, if yet *they obtain the dignity of presbytership,*
 “*that they are subjected to you.*—For what is your
 “business in the churches, if these persons shall take the
 “chief authority, which is preaching? Unless, perhaps,
 “you are prevented by the circumstance, that some
 “of our brother bishops have gained admission to
 “our college from the class of laymen, and are there-
 “fore ignorant of their own rights.” Celestine con-
 cludes, “We shall wait to be informed, that you feel
 “displeasure, as we do, on these subjects. The proof
 “we will expect, is, that *you have imposed silence on*
 “those perverse men, and that all complaints have
 “been finally stopped.”*

What

* Epist. I. lib. 8621. §. i. Vestrae dilectioni justius imputamus,
 quando illi (presbyteri) “*habeant super vos disputandi p. te. tatem...* Qu’ d
 illic spei est, ubi magistris tacentibus hi loquuntur, qui, si ita est, eorum
 discipuli

What a pity, that Celestine I., *who sent over our apostle*, should have maintained such gross *Mahomedan* and *Castabalian* positions ! O that he had but lived fourteen hundred years longer ! Had he but lived to learn the *Traite de l'etude* and the *Droit divin des curts*, and from *his own epistle* (as explained by *Columbanus*), that the clergy have a right of *resisting* and of *insisting*, of *judging*, and *discussing* on all points of faith ; that their *mission extends to the ends of the World*, and that they *cannot be silenced* ; had he but known this, he might have *taught saint Patrick* better things, before his journey.

To sum up what has been proved or refuted hitherto. The *first council of Nicea* enacted no *fifty-second*, nor any canon whatever concerning the recommendation or appointment by bishops of successors to their places. No *Roman council* under *Hilarus* took notice of any *such Nicene canon*. *Dionysius Exiguus*, by *arithmetical demonstration*, declares against the pre-

tended

discipuli non fuerunt. Timeo ne connivere sit hoc tacere : timeo ne magis ipsi loquantur, qui permittant illis taliter loqui...Ergo corripantur hujusmodi. Non sit illis liberum habere pro voluntate sermonem .. Habetote fratres carissimi pro Catholicae plebis pace tractatum. Sciatis se, si tamen censeantur presbyterii dignitate, vobis esse subjectos...Nam quid in Ecclesiis Vos agitis, si Illi summam teneant praedicandi ? Non forte illud obsistat...ut aliqui de fratrum numero, nuper de laicorum consortio in collegium nostrum fortasse admissi, nesciant quid sibi debeant vendicare ..Intelligamus haec ipsa vobis, quae nobis non placent, displicere, quod ita demum probare poterimus, si, imposito imprae silentio, de tali re in posterum querela cessaverit.

ended Nicene canon. The chief propounders of the real Nicene canons, and the chief supporters of that council have proved by their acts, that no such canon as *Columbanus* has presumed was made at Nicea: yet *Columbanus* appeals to the *Nicene council*, and to *Hilarus* of Rome, and to *Dionysius Exiguus*, for an aid, which they not only cannot afford, but most expressly refuse. As to Celestine I., it is superfluous to tell over again, how ruinously for *Columbanus* he was dragged into the company of barefaced subornation.

In order to swell out his muster of forlorn authorities, *Columbanus* proceeds to examine, as it were, the nature of episcopal elections to the *see of Rome*. The pope, argues *Columbanus*, cannot appoint his successor; therefore, *much less* can a bishop appoint even a coadjutor to himself with the *hope* (i. e. the contingent right) of succession.

Let us grant, for the present, that *the pope cannot appoint his successor*. Let us not even seek to know by what positive law the pope is incompetent to make such appointment; but merely bear in mind, that he is the head of the Catholic church. Unless we are disposed to cast off all common understanding, we must see, that, instead of a parallel case, our author has urged an *exception*. What would you think of the man, who should argue thus *a priori*. The KING cannot bequeath his dignity to whom he pleases; therefore neither can the King appoint the line of succession

cession in a patent. Or take it thus; the King can neither bequeath nor devise his *kingship*; therefore no subject can devise his estate. “But is not the diocese of a bishop as interested in its own *episcopal* succession, as the church at large can be in the *papal*?”* That question I will leave to be answered by the feeling of each Catholic, nor do I care how it may be answered. But I will ask my own question. Is not the *local church* of Rome as well entitled to chuse its bishop, as any other diocese? Is this not a very natural question? Yet the church of Rome has its bishop appointed by a majority of *foreign electors*; by *presbyters* and *deacons* of Rome *in title*, yet, in truth by a majority of bishops from extern districts. The Catholicity of the Popedom, therefore, swallows up the domestic rights of the Roman diocese; and before
we

* Columbanus 4th letter p. 75. In the discussion from page 71, to page 77 of this fourth letter, there are astonishing discoveries: as for example; that the funds, assigned by the first converts in Rome for the subsistence of the clergy, were *named titles*;—that these *titles* being determined to certain churches, as *doors to their hinges*, were denominated *Cardinalitial*, from the Latin *Cardo*, a hinge; that the cardinal of each parish in Rome is the *titular*, that is, the *figure or picture* of the parish priest. (Columbanus has not provided for the parishes not *Cardinalitial*, or for the churches of *cardinal deacons*). He exhorts the effective parish priests of Rome to resume their rights,—to elect the Pope, and promises them a *real palm* of MARTYRDOM.

we can argue on the rights of a particular church, we are bound to search, as in the case of Rome, what rights the Catholic system has gained upon the forms of domestic election, leaving untouched, as this system must, in each church, all that is of faith, of morals, and of social duty. Has *Columbanus* made this search? Is he disposed, if even capable; is he capable, if even willing? Of this each reader will judge from what he has observed hitherto.

Now, by what law is a pope disqualified from appointing his successor? Is it by a Nicene canon, or by any regulation built on a Nicene canon? No; he is disqualified by the ordinances of his predecessors, which contemplated a state of things, wherein the electoral body should remain *free* to assemble and to chuse after a papal demise. Thus, in stating the restriction of papal power, *Columbanus* is as unfortunate, as he has proved in his diverging parallel. But *Columbanus* thinks little about the exactness of his facts or arguments, provided these be animated and clamorous. I am now to exhibit an instance of his sincerity in quoting, which I esteem more splendid than any yet adduced; but which, at all events, is superior to any thing attempted before his time.

“Pope Symmachus convened a Roman synod in 499, at which *all the bishops* of Italy assembled, to

“*deliberate*

“*deliberate, how the Nicene canon already mentioned should be enforced, with relation to the holy sec.*”*

The *Nicene Canon already mentioned*, namely, the 52d Arabic Canon, prohibits, as you remember, a bishop's *electing or appointing for election his successor*. All the bishops of Italy therefore assembled in 499, according to *Columbanus*, in order to deliberate, *how popes could be hindered to elect or appoint for election their successors*. Hold this quite steady, and follow *Columbanus*.

“Then and there it was determined, that if during the pope's life-time *any clergyman* should promise his suffrage, either in writing or by word of mouth, to any man, for a future election, or should hold any private conventicle *for the purpose of designating a future successor*, or even *of deliberating on the subject*, he should be degraded and excommunicated.”†

This, one would imagine, is decisive against the pope, if he should attempt to designate. The words, *if any clergyman*, are without exception to pope or bishop. But let us go on.

“And that *he only should succeed*, who was elected, *sede vacante*, by the free suffrage of all the clergy of Rome, or by a majority of voices, *canonically, that is, freely collected and obtained*.”‡

Most

* *Columban*, Letter fourth, p. 22. † *Columban*. *Ibid*.

‡ *Columban*. *Ibid*.

Most plainly by *this* regulation, the bishop of Rome could not *appoint for election*; because *he*, only and without exception, must succeed, who had been freely elected, *sede vacante*.

But *Columbanus* has forgotten to prove, that the synod meant to apply the 52d Nicene canon to the holy see. He does not even shew, that the fifty-second canon was mentioned in the synod. Granting however, as I presume the reader will, that the canon alleged was neither made at Nicea, nor thought of by the synod of *all the bishops of Italy* with Symmachus; he may still insist, that those bishops at least determined, that *any clergyman, designating or even deliberating concerning a future pope*, should be degraded and excommunicated; of course, that the pope for the time being *could not* designate. He may argue, that as *he only* could succeed, who might be elected *freely, sede vacante*, all papal recommendation was useless, besides exposing the pope himself to *degradation and excommunication*. He would argue justly from the text, as given by *Columbanus*. The synod itself however speaks differently. What would you think of *Columbanus*, if this very synod deliberately and expressly declared, that the pope *was authorized to designate his successor*, and that he should exert that right? What will you say, if the synod appears to prefer such *designation*, as the necessary remedy for intrigue?

Hear the opening address of Symmachus. " My

3 R

, " earnest

" earnest solicitude for the liberties of the church has
 " assembled you, my dear brothers, in this special
 " meeting, notwithstanding the inclemency of winter ;
 " that by our joint deliberations we may the more
 " efficaciously prevent, in future time, that spirit of
 " intrigue for episcopal advancement, that confusion
 " of principle, and that excess of popular riot, which
 " took place at the time of my *ordination*, through
 " the presumption of certain men.* And therefore
 " let us determine and enact, distinctly and openly,
 " what rule shall be followed for the ordination of a
 " bishop of Rome."† Of one falsehood we have dis-
 posed by the mouth of *Symmachus* himself. *This pope*
informs his council, that the evils to be provided against
 were those, which had occurred at his own election :
Columbanus informs his readers, that the object of the
 synod was to apply the 52d canon of Nicea to the
 succession of Rome.

Now attend to the regulations of the synod.

" I. On

* Libb. iv. p. 1313. Symmachus Episcopus dixit ; Concilium dilecti-
 onis vestrae, neglecta hiemis asperitate, sollicitudo nostra pro Ecclesia
 indemnitate specialiter congregavit, ut Episcopalem ambitionem et con-
 fusionis incertum, vel popularem tumultum, quam per surreptionem
 Daboli, usurpatione aliquorum, tempore ordinationis nostrae constat
 exortum, communicato pariter tractatu, in futurum possimus robuste
 ac vivaciter amputare.

† Ibi. Atque ideo tractemus, expressis scilicet sententiis sancientes,
 quid circa Romani Episcopi ordinationem debeat custodiri.

“ I. On account of the many acts of intrigue, and
 “ the exhaustion of church property, and the popular
 “ collisions, which have arisen from the undue ambition
 “ of candidates for the episcopacy...this sacred synod
 “ ordains, that if any *presbyter, deacon, or clerk*, as
 “ long as the pope is in life, AND WITHOUT THE KNOW-
 “ LEDGE AND CONSENT OF THE POPE, shall presume to
 “ lend his name in writing for the matter of the bi-
 “ shopric of Rome, or make tallies, or bind himself
 “ by oath, or even promise a single vote, or hold
 “ private meetings to deliberate and decide on this bu-
 “ siness; such person shall lose his rank and be de-
 “ prived of communion.”*

Now what do you think of *Columbanus*? Attend
 however to the synod.

II. “ To the same punishment we subject the per-
 “ son convicted of having intrigued or attempted in
 “ this

* Labb. Ibid. Propter frequentes ambitus quorundam Et ecclesie
 audientiam, vel populi collisionem, quae molesta et iniqua incompe-
 tenter Episcopatum desiderantium generavit avilitas...constituit S.
 Synodus, ut si *presbyter* aut *diaconus* aut *Clericus*, Papa incolumi et co-
 nconsulto aut subscriptionem pro R. Pontificatu commodare, aut
 pitiacia committere, aut sacramentum præbere tentaverit, aut aliquod
 certe suffragium pollicere, vel de hac causa privatis conventiculis factis
 deliberare atque decernere, loci sui dignitate atque communione
 privetur.

“ this cause, *during the life-time of the pope*, as already mentioned.”*

III. “ *If, which God avert ! the decease of the pope should be so sudden, as THAT HE SHALL NOT HAVE BEEN ABLE TO DETERMINE ON HIS SUCCESSOR, AS ALREADY PROVIDED, and if the whole clerical body shall declare for one man, let that person so chosen be consecrated bishop. But if, as usual, there shall happen to arise parties in the election, let the majority of votes determine; provided however, that he shall be degraded from his priestly rank, who shall have been decided in his choice by the lure of promises, and not by honest judgment.*”†

What do you think of *Columbanus* ? Was not the Roman council assembled in 499, in order to apply the fifty-second *Nicene canon* to the elections at Rome; and did it not enact, that *no designation whatever* of successors should be attempted ?

By

* Ibid. Pari severitate feriendus eum qui hoc, vivo, sicut dictum est, Pontifice, quolibet modo fuerit ambisse convictus, aut certe tentasse.

† Ibid. 1314. Si, *quod absit*, transitus Papæ inopinatus evenierit, ut DE SUI ELECTIONE SUCCESSORIS ET SUPRA PLACUIT NON POSSIT ANTE DECERNERE, si quidem in unum totius inclinaverit Ecclesiastici ordinis electio consecratur electus Episcopus. Si autem, ut fieri solet, studia coeperint esse diversa eorum de quibus certamen emergerit; vincat sententia plurimorum : sic tamen ut sacerdotio careat, qui captus premissione non recto judicio de electione decreverit.

By the proceedings therefore *under Symmachus*, we have discovered that in 499, that is to say, above one hundred and sixty years after the Nicene council, no such canon against *designation of successors*, as our author relies upon, had come to the knowledge of this Roman synod. Again; were we destitute of other arguments, the ordinance of this very synod would stand as unanswerable proof, that in the council of Rome, under Hilarus, assembled not forty years before, no general decree was made, nor were curses thundered out against the practice of appointing an episcopal successor, in the life-time of a bishop. For the use however of those, who may be not so *deeply* read as *Columbanus*, I will remark, that the canons of the council of Antioch, (that council, which confirmed the deposition of Athanasius, and sent off George the Cappadocian to replace him), were introduced to the knowledge of the church of Rome, in the sixth century, by *Dionysius Exiguus*,* when the infamy of their enactors was forgotten; and that the twenty-first, in order, of these canons is that, which, affecting to

maintain

* The Canons of Antioch are quoted, for the first time, by the church of Rome, in the schedule transmitted by John II. to Cesarius of Arles, in the matter of Contumeliosus the bishop, (Labbe iv. 1756). They are from the version of Dionysius, whose collection, as yet, had not made its way into the Gauls; for, in the appendix to the papal schedule, S. Cesarius quotes the ninth canon of Nicea from a different translation.

maintain the rights of the *episcopal college*, aimed at the abolition of the orthodox prelacy. This twenty-first canon, notwithstanding the wicked design of its framers, became useful in process of time, and therefore was extolled and was held sacred. As far as it went to retain in the episcopal class the chief authority of chusing, as well as the entire authority of consecrating bishops, it was good and serviceable against the inroads of temporal oppression. As far as it disaffirmed ordinations made without the consent of several bishops, it obviated the mischief of impropriation of the church revenues, as well as the secularization of church authority. In a higher point of view, the great principle, that the consecration of every bishop should have the highest evidence of *canonicity*, was well provided for, by the adoption of this twenty-first canon *in the West*, when the secular influence of kings or tyrants, or that of nobility, or of wealth, or of a worse influence, threatened destruction to every remnant of equitable freedom. That no one of these benefits or advantages is now to be possibly derived from the revival of *that canon*, because circumstances political as well as moral have veered to the opposite point of danger, and because the evidence of canonical appointment or choice has entirely altered for the better, has been partly demonstrated, and will fully appear from my next, and concluding letter.

Columbanus

Columbanus has missed, in his 52d canon, in his council of Hilarus, in his repentance of Augustine, in his council of Symmachus. His *fifty-second canon* has been shewn so pitiful a fabrication, as to impose on no sober man. His council of Hilarus has been rectified from the *council itself*, and its *execrations* have been *soothed*. The *repentance* of saint Augustine has been discovered *insincere*. Last and worst of all, *the council under Symmachus*, after thronging to Rome *from all quarters of Italy*, in 499, in order *to deliberate on the mode of applying to the H.* See an Arabic canon, *made up about 350 years afterwards*, this council is caught *in flagranti*; in the very fact of empowering a pope to *designate his successor*, and for the expressed causes of intrigue on the part of clergymen, of fury excited by them amongst the people, and of the sacrilegious alienation of church property to men in power, by those villanous candidates. But *Columbanus* has *one other* instance to produce in support of his 52d canon, and of his assertion, that, by *virtue of this canon*, the pope could not nominate his successor. Instead of availing myself of the right I have gained by proving, as I think was never done in any similar degree, that every text hitherto adduced by him is either affected by gross misconstruction, or is tainted by an abominable suppression of truth, or by unscrupulous suggestion of falsehood, in the very matters at issue; I willingly allow, that in the instance I am about to
 examine,

examine, he has an *ancient* voucher for every thing, except his own additions.

“Boniface II. indeed,” says he, “elected his own successor, in a *packed Roman synod* of the year 531; but a subsequent Roman synod *compelled him to do penance* for so daring a violation of the” (Nicene) canons. He *tore in pieces the decree by which he obtained the signatures of the clergy to that scandalous election*, and *this he did in the presence of the clergy and the people of Rome*: he burned it before *saint Peter’s confessional*; and he threw himself on *the forgiveness of the christian world* by a public retractation.”*

In

* Columbanus 4th letter p. 31. These assertions *Columbanus* maintains by a latin quotation from *Natalis Alexander* of these following words. *Bonifacius concta Romæ synodo, an. 531, successorem sibi, gesto exemplo, designavit Vigilium Diaconum, clero consensum suum chirographis et jure jurando præbente et firmante. Sed postmodum, altera synodo congregata, poenitendum et canonibus contrarium decretum rescidit, and ante confessionem beati Petri, præsentibus Clero et senatu flammis tradidit, ut testatur Anastasius Bibliothecarius in ejus Vita. Ambitione Vigilii et consilio ad tam insolitum facinus impulsus Bonifacium ex Silverio papa colligeretur in decreto Anathematis adversus Vigilium, si genuinum esset, T. v. p. 375.* If any one of my readers has occasionally shrunk under the withering touch of literary effrontery; if ever he has enjoyed or suffered the mixed sensation of ridicule and disgust, from the triumph of ready-made scholarship, in the presence of an illiterate crowd, and on a question of dead languages; that reader may conceive pretty accurately what I now feel, when copying
this

In all this *Columbanus* has advanced nothing without authority, except the *packing of the synod*; the *compelling him to do penance*; the *obtaining signatures by the decree*; the *scandalous election*; the *tearing in pieces*; the *presence of the people of Rome*; and the *throwing himself on the forgiveness of the christian world*. If any other inaccuracies shall be presently found in the story, they ought in justice to be laid to the charge of his vouchers.

Yet *Columbanus* is not so servilely addicted to the use of vouchers, as to restrain himself in the *divine right* of making out *ex tempore* a more full and more *original* account of this very same transaction. “Boniface,” said he,* “wishing to anticipate the interference of the Gothic kings of Italy, convened a synod, and with the consent of that synod named his own successor.”*

This

this chef d'oeuvre of intrepidity and *erudition*, of which the *English* is addressed to those who cannot read the *Latin*, and the *Latin* is addressed to those who cannot understand it. *Cogere synodum*, i. e. to summon a synod, is translated by *Columbanus* to *pack a synod*. Is this ignorance, or is it frenzy? *Decretum poenitendum*, i. e. the *unfortunate resolution*, is translated by him, the synod *compelled him to do penance for so daring a violation of the canons*. Is this laughable blunder, or pitiable visitation? The *Confessio*, or *Magregius*, or *monumental martyrdom of Peter*, he translates, the *confessional of saint Peter*. Yet *Columbanus*, if *abuses were removed*, is disposed to remain a Catholic, notwithstanding his *engagements*. *Rescidiſt* also, i. e. he *rescinded*, he makes *to tear in pieces*.

* *Columb.* First letter, p. 74.

This is handsome enough : but it now appears, that between the years 1810 and 1811, Boniface was found guilty by *Columbanus* of having *packed the synod of 531*. He goes on. “ *In order to render this decree the more binding, he demanded of the assembled clergy, that, having acceded to the nomination of Vigilius, they would all sign a decree of election in his favour, and swear to abide by it, whatever might be the will or pleasure of A'halaricus king of the Goths. The clergy agreed : the decree was signed ; they even swore to abide by it.*”*

I have only to remark, that all I have lately placed in Italics, is pure, unalloyed fiction ; is perhaps so truly the invention of *Columbanus*, that he might apply *bona fide* for a patent, to secure his *Boniface and king of the Goths*. The rest is only blunder, in deranging his authorities, or mere want of discernment and heroism of appetite in swallowing huge *apocrypha*. He goes on.

“ *But a few days had scarcely elapsed, when it occurred to some of them that this proceeding was utterly repugnant to canonical discipline.*” The Italics, as I said, are fictions, *historically speaking*. Yet how beautiful is the *it occurred to some of them, when the some of them* cannot deny the anecdote !

“ *The*

* *Columb. First Letter, p. 74.*

“The pope himself began to feel he had acted illegally.”

This also I set in Italics for the reason assigned. Still the fiction is elegant in the selection of a critical moment for the *beginning* of the pope's remorse. The avowed object of *Columbanus* here is to prove, that the pope cannot appoint his successor; his single illustration is the case of this Boniface. Yet, after relating the proposal of a successor, as well as the assent, and free signing and swearing by the clergy, on a sudden the pope *began to feel the illegality* of his act; in other words, he *began to feel*, that he *could not appoint his successor*. This is exactly what *Columbanus* undertook to prove. Is it not ingenious to have proved the *illegality* of the act, by telling us, that Boniface himself *began to feel its illegality*?

“The clergy became clamorous for another council to reconsider their act.” This in Italics. But how consistently with dramatic rule does *Columbanus* persevere in making that class on all occasions disorderly! They cannot even require another council for *re-considering their own act*, without becoming clamorous.

“A new council was accordingly convened, and the question being calmly re-considered, the oath already taken was dec'ared unlawful, as being repugnant to the sacred canons: the Decretum so unanimously signed was committed to the flames, and the old law

“was

“*was renewed, that no pope should nominate a successor for himself.*”

You will attend to the Italics, especially of the concluding assertion. Is it not the proof of an eccentric mental vigour, to complete a demonstration in this way? The pope *cannot* nominate his successor was the *thesis*, implying that some law or other forbade the nomination. What is the name of that *law*? When was it enacted? *Columbanus* answers, that Boniface II. appointed his successor; that a council agreed, confirmed and swore to the appointment; that Boniface soon began so feel, that he had acted *against the law*; that the oath was declared *unlawful*, i. e. *against law and against the canons*; that the signatures were burned and the *old law was renewed, forbidding the pope to appoint his successor*. So that you have only to *find out the old law*, and you will have learned, against what law Boniface II. trespassed.

Now to the fact. The only ancient voucher for the *substance* of the story is the pontifical book, called of *Anastasius the librarian*. To this book all the modern *favourite* historians have appealed, not excepting the last of them, *Sandini*, a little plagiarist of the coxcomb species. In this pontifical book, the lives of Boniface II. and of all the popes down to Nicholas I., i. e. to the middle of the ninth century, are of one and the same compilation. That the story is a pure fabrica-

tion

tion, will require a separate proof.* However the story is thus told by *Anastasius*. "This pope" (Boniface II.) "collected a synod in the basilic of saint Peter, and there made a public decree, that *he should ordain* his successor. Which public decree, being accompanied with the subscriptions and oaths of the priests" (or bishops) "before the *martirium* of saint Peter, he made his appointment upon Vigilius the deacon. *At the same time* a synod being repeated, all the priests" (or bishops) quashed this in reverence to the holy see; and, because it had been done against the canons, and inasmuch as *Boniface himself was blameable in appointing his successor*, he acknowledged himself *guilty of treason* for having appointed, before the monument of saint Peter, the Deacon Vigilius by *his own handwriting and obligation*, and, in the presence of all the priests and clergy and senate, he burned to ashes the decree itself."† Such is the original

* See note A. at the end of this letter.

† Hic congregavit synodum in basilica B. P. Apostoli et fecit constitutum, ut *sibi successorem ordinaret*. Quo constituto, cum Chirographis sacerdotum et jurejurando ante confessionem B. A. Petri in diaconem Vigilium constituit. Eodem tempore, facta iterum synodo, hoc censuerunt (or, *cassaverunt*) Sacerdotes omnes propter reverentiam sanctæ sedis; et quia *contra canones* hoc fuerat factum, et quia culpa eum respiciebat, ut successorem sibi constitueret, ipse Bonifacius

original falsehood, out of which the *favourite* historians, *Columbanus* included, have spun the ornamental and pathetic circumstances already given.

In this place I will meet the *Librarian Anastasius* with one only remark. If Boniface meant solely to designate his successor, how could that be against the canons, which not only was not interdicted by any canon known to the Roman church, but was expressly sanctioned and recognized, as we have seen, in the bishop of Rome, about thirty years before, in the council of Symmachus, and was distinctly justified by a preamble adverting to those mischiefs, which the schism of Dioscorus renewed? The *Librarian* seems to have been as little aware as *Columbanus* himself, of the provisions of that council. But, if the pretended decree of Boniface was, that he should *ordain* his own successor in that meaning, which the same pontifical book uniformly assigns to *ordination*, the grossness of the fabrication becomes intolerable. For Boniface is made to decree, that he shall *ordain his own successor*, and yet when he owns himself *guilty of treason*, he acknowledges, that his treason lay in the giving of his *own promise in writing to appoint Vigilius the deacon*.

This

cuius Papa reum se confessus est Majestati, quod diaconem Vigilium se subscripsit. ne Chirographi ante confessionem B. P. Apostoli constitueret, ac ipsum constitutum in presentia omnium sacerdotum et cleri et senatus incendio consumpsit.

This observation, as I think, is unanswerable proof of the forgery, if that forgery were aided even by twenty thousand *favourite* historians of the seventeenth age. I will not swell out my text with critical persecution of this superannuated calumny against Boniface II. *Columbanus* will pardon me, if I decline refuting further his humorous versions of the *pœnitendum decretum*, and the *coacta synodo*. Though Latin idiom were annihilated, he must recollect, that no patriarch could be tried by his inferior bishops, for ecclesiastical delinquency: much more, he cannot but remember, that in the sixth century, no bishop could be put in penance, and yet retain or recover his throne. To *Columbanus* his own ideas on the subject may be excessively grateful, however false. Yet I am at a loss to justify the idleness of having said so much about his peculiar constitution of feeling.

From the sixth century, therefore, the canons of Antioch having gained credence and acceptation in the churches of Rome and Gaul progressively, through the version of Dionysius Exiguus, the designation and recommendation by bishops even about to depart, of fit persons to succeed them, came into disuse, with various consequence to the interests of christianity; by which are meant, and in which are involved the purest, kindest and most durable interests of mankind. During the same sixth century, bishop Martin of Braga,
being

being a Greek and able to translate into Latin, edited his summary of Greek canons, in which those of Antioch are extracted, and the old popular election of the West is made to disappear. The collection of *Dionysius* reigned until long after the compilation by Isidorus Mercator. In fact, the former never lost authority, and the latter never gained universal introduction. In the ages, called *dark*, the adherence to positive canons was so inflexible, that from this simple principle, considered along with the impracticability of making the canons themselves available on most occasions to justice and to piety, the greatest accession of official interference, and therefore of executive prerogative, redounded to the head of the Catholic church. The provincial synods, in which not only ecclesiastical causes, but the allowance of episcopal candidates and their ordination, used to be performed, had long since fallen into oblivion. The attempts to revive them were ineffectual, because dictated or supposed to be dictated by individual tyranny. Bishopricks swelled up into princely estates : of course they became objects not of clerical reward, but of military ambition or spoliation : and had not the imperishable mind of christianity raised up champions in the guise of monastic philosophy ; the armed brutality of soldiers, and the impious daring of wealth long since would have quenched every ray of the gospel.

This

This practice of *designation* having been revived in Ireland, according to *Columbanus*, by our Catholic bishops, *against all right and law*; and this abuse, as it seems, having chiefly stirred up his zeal to offensive operations, the reader must expect to be informed of his statement. "The *truth* is," writes *Columbanus*, "that 21 suffragan bishops have entered into a solemn compact with the four archbishops of Ireland, that they, the suffragans, shall be allowed to *bequeath* their respective dioceses to whomsoever they please, provided the archbishop is allowed to do the same."*

Against this assertion, so emphatically made, I have the very best authority for declaring, that no compact, no agreement, no compromise of any kind has been entered into, between the archbishops or any one of them, and the suffragans or any suffragan, regarding the mode of appointing or electing their several successors. I am authorized to declare the assertion to be destitute of truth in every sense, and every construction. It is not my present business to dwell upon the enormity of conducting a warfare of *reformation*, with such unscrupulous rage.

Of this *solemn compact*, however, which has no existence, *Columbanus* has alleged instances. "Thus," says he, "Doctor Troy has *bequeathed* Dublin to a

3 T

" Mr.

* *Columbanus*. first letter p. 12.

“ *Mr. Murray* ; Doctor Dillon has *bequeathed* Team
 “ to a *Mr. Kelly* ; other bishops have already *elected*
 “ their successors, without the *least reference to the*
 “ *feelings* of the subordinate clergy, gentry or nobi-
 “ lity, and *this* is stiled canonical election.” To pass
 over the six concluding words, solely meant for an
 appropriate flourish, I confess myself unable to de-
 cipher what *Columbanus* intended by his *reference to*
feelings. In the first reading I surmised, that the
want of a reference to feelings conveyed an accusation
 against our bishops, as if they had selected clergymen
 of illiberal manners, or of unclerical lives, or obnox-
 ious to the higher class, or quarrelsome, or vindictive,
 or turbulent: but this is so notoriously *not* the fact,
 that I will not impute to our author the ridiculous
 calumny. I next consulted one of our archbishops;
 and he professes himself to be completely in the dark
 with *reference to the feelings*. This much indeed may
 be gathered from the introduction of those *feelings*,
 that, in the view of *Columbanus*, the *bequeathing* is not
 the height of the offence; that it is not the violation of
 the *fifty-second Nicene canon*, or of the council of Hi-
 larius he principally relents, but the aggravating cir-
 cumstance of not having made *those feelings* accom-
 plices in the violation.

Since *Columbanus* has pushed his *divine right of judg-*
ing into the four courts, as well as into the imperial
 saloon of Constantine, and vouchsafes to misuse the
 black

black letter *terms of the law*, as if they had been Toledo canons, or *vicars apostolical* ; I respectfully suggest, that the *bequeathing* of a diocese and the *taking of a coadjutor*, even with *hope of succession*, are very distinct in proceeding and in consequences. In the former case, as long as the will is ambulatory, that is to say, during the life-time of the testator, the power and consequence of the bishop are not diminished by the execution of a presumptive will : each expectant redoubles his obsequiousness to the very last. On the other hand, when once a bishop has obtained a coadjutor with the chance of survivorship, he has remitted whatever controul he had possessed over the state of *that church*, after his death. No episcopal candidate will either flatter or dissemble now. Thus, while the *case of bequeathing*, unless necessity be shewn or eminent zeal be presupposed, does savour of profanation and impiety, setting apart all church laws ; still the adoption of a coadjutor *cum spe successionis*, unless either the object of choice, or the person chusing be supposed an unworthy man, would claim a favourable explanation ; if church laws had not interdicted to bishops such power of adopting.

Now to you, *Columbanus*, and to your *modern compact*. I am not about to criticise that debasement of language, which substitutes a *bequest* of sees for the *postulation of a coadjutor with survivorship*. I merely will

will give to the public a document, from which every man will be able to judge of your hardihood in asserting a *modern compact*, and in attempting to conceal the ancient practice of the Catholic church in Ireland. Here is a list of coadjutor bishops,

A. D. 1755, Dublin. Richard Lincoln, D. D., appointed coadjutor on the postulation of archbishop Linegar, succeeded in 1757,

1771. Cashel. James Butler D. D., appointed coadjutor on the postulation of archbishop Butler, succeeded in 1773.

1782. Richard O'Reilly, D. D., appointed coadjutor to the Catholic church of Armagh, succeeded archbishop Blake.

1772. William Egan, D. D., coadjutor to Waterford and Lismore, on the postulation of archbishop Creagh, succeeded in 1775.

1773. James Geoghegan, D. D., coadjutor to Meath, on the postulation of bishop Cheevers, who survived him.

1776. Andrew Donellan, D. D., coadjutor to Clonfert, on the postulation of bishop Donellan, succeeded in 1778.

1780. W. Coyle, D. D., coadjutor to Clonfert, on the postulation of bishop Philip O'Reilly, succeeded in 1781.

1781.

1781. Richard O'Reilly, D. D., coadjutor to Kildare and Leighlin, on the postulation of bishop Keeffe, in 1782, appointed coadjutor and administrator to the Catholic church in Armagh.

1782. James Caulfield, D. D., coadjutor to Ferns, on the postulation of bishop Sweetman, succeeded in the following year.

1783. Daniel Delany, D. D., second coadjutor to Kildare and Leighlin, on the postulation of the same bishop Keeffe, succeeded in 1787.

1783. Charles O'Reilly, D. D., coadjutor to Kilmore, on the postulation of bishop Maguire, who survived him.

1788. William Copinger, D. D., coadjutor to Cloyne and Ross, without any postulation from bishop M'Kenna; but in pursuance of the instant recommendation of archbishop Butler, Doctor Moylan and other prelates in Munster, as well as of archbishop Troy, has succeeded to bishop M'Kenna.

Such are the *old* instances of the *modern compact*, and the *late innovation*. All the coadjutors above-mentioned were appointed *without any lay influence or mediation whatever*. The more recent appointments are these following;

1800. Florence M'Carthy, D. D., coadjutor to Cork, on the postulation of bishop Moylan, with the recommendation of the provincial bishops, and of all the **Metropolitans.**

Metropolitans. This great bishop departed in 1810.

1802. J. O'Shaughnessy, D. D., coadjutor to Killaloe, on the postulation of bishop Mac Mahon, succeeded in 1807.

1805. James Dillon, D. D., coadjutor to Raphoe, without postulation from the bishop, but at the instance of the provincial bishops, and all the **Metropolitans**, was translated, at the same instance, to Kilmore, on the death of bishop Maguire.

1805. Patrick Ryan, D. D., coadjutor to Ferns, on the postulation of bishop Caulfield, with the recommendation of all the provincial bishops, and of the four **Metropolitans**.

1810. Daniel Murray, D. D., coadjutor to Dublin, on the sole postulation of archbishop Troy.

At the present there remain only these two coadjutor bishops in the Catholic church of Ireland. In all those later appointments the same *want of lay influence* prevailed, as in the more ancient coadjutorships.

So much for the *novelty* of the system, and for its connection with an *ecclesiastical treaty* between the present archbishops and bishops. So much for the candour and accuracy of the terms, *bequeathing a diocese*, and for the horrific charge of doing so without the *smallest reference* to the *feelings* of the gentry and nobility. I give up bishop Murray into the compassionate hands of *our author*, who will debate the point with

with the Irish prelates and the Dublin clergy, and with the protestants and catholics of Dublin, whether the feelings of our gentry and nobility were derided or were honoured by bringing them into question here. But I cannot use the same politeness, with regard to the ungracious and reprehensible mention of the *coadjutor to Cork*, deferred by *Columbanus*, until bishop Mac Carthy had terminated his glorious *de ennium* by death. Yet it is enough to point to this misbehaviour. The inhumanity of *Columbanus* wanted not this further illustration: the national regret had had no occasion for this strange *memento*.

I have reserved the instance of Tuam, bequeathed to a Mr Kelly, for a separate paragraph. In further illustration of his solemn compact, our author continues; "Mr. Kelly might have been, for various reasons, objectionable; very true."—This amicable way of surrendering the character of a man without his permission, is a new *jure divino* method of libelling, and yet escaping an issue. "Yet it was deemed expedient, rather than violate the compact, to force him on the province, in despite of the opposition of all its suffragan bishops." Here we have got a Delian problem. The suffragans had already become parties to a solemn compact, of which the effect was, to guarantee to each archbishop and bishop the free privilege of bequeathing his several church. The
archbishop

archbishop in Tuam *bequeaths* his see, and his suffragans turn *faith-breakers*, without the exception of one ! This is very bad. An indifferent man, indeed, might collect from the fact of a *general opposition*, that no compact had been entered into : but our author, who shines in the combination of impossibilities, does not boggle at so petty an objection ; for, the compact must be supposed real. Next, the suffragans are made to *oppose* its intent : lastly, the *legatee* of the diocese is *forced* upon the province, after those suffragans have *acquiesced*, for their own sakes, in the *last will* of Doctor Dillon. This highly ingenious narrative will appear still more interesting, when I have informed the reader, that *all* the provincial bishops, or the greater number are still in opposition *to a Mr. Kelly* ; and that this Mr. Kelly has been postulated for by the chapter, and by all the parish priests of the Metropolitan diocese, excepting three clergymen. The merits of the respective causes have been removed to abide the determination of the proper judge. To draw the causes back into the fund of popular amusement, would be now inexcusable wickedness. It would ill become me, the vindicator of episcopal right, to hazard an opinion in a case entirely *regarding* their powers ; it would be unnatural in me, not to feel solicitude for the unanimity and glory of that provincial church.

We

We enter now upon a subject, which to the lover of truth and certainty must prove more grateful than the dry investigation we have finished, concerning the stratagem of coadjutors *cum spe successionis*, said by *Columbanus* to have been *lately* devised. Our author is proceeding to declare the law of *canonical elections*: and if any reader should open my book at this passage, I request him, if an occupied man, to read barely until he has made up his opinion on the general accuracy of *Columbanus*, and how far such suppressions or fictions as he will meet, can stand with the assumption of honest *authorship*; or with the most tiny pretension to learning, if the errors be not deliberate, as I take them not to be. His *prospectus* is this; “*The present mode of appointing Catholic bishops in Ireland, hostile to the canons and repugnant to the discipline and spirit of the Catholic church.*” * *Arma virumque canit.* What *Columbanus* nicknames the *present mode* we have seen. But I wave the past blunders, lest I should be crushed by a new victory, and sink under the rubbish of double spoils. Let us hear the lawgiver.

“It is known to all acquainted with ecclesiastical history, that one of the UNIVERSAL rules, handed down from age to age for the appointment of bishops, is, that no bishop shall be forced on any diocese, without

*“ the consent of the majority of their clergy, and of the
“ representatives of the people.”*

This *universal rule* must have then prevailed in all the great churches of Christendom. This rule handed down *from age to age* must have been *original*, and be still in force *somewhere*. Of these points we will take notice in due time: but first I will shew his learned authorities, beginning with his text.

*“ The Spanish clergy, always very tenacious of their
“ ancient discipline, but more particularly before the
“ Moorish invasions in the seventh century, carried
“ this rule somewhat farther.”* The Spanish clergy had never been tenacious of *any discipline*, nor practised any regular discipline, until between the *fifth and sixth centuries*. That church was the most ignorant, undisciplined and pitiable church in the christian world, if either their own bishops, or councils, or the Roman popes, consulted by *the Spanish clergy*, are to be depended on. Let us go on.

*“ The Spanish clergy, knowing, that he who can
“ obtain a Mitre by private intrigue, will not stop at
“ simony, but will also privately tarnish the character
“ of those who stand in his way, held a national council
“ at Barcelona, in 599, and there came to the following
“ decision.”*

In this paragraph there are but *three falsehoods*. The first, that it was held by the *Spanish clergy*, whereas the council declares itself a convention merely
of

of *bishops*: the second, that the council was *national*, whereas the council declares itself a meeting of the bishops of *one province*, namely, that of Tarragona: * the third falsehood consists in the words I have marked in Italics, which are, without the exception of a single letter, the invention of *Columbanus* himself. But let us attend to the decision.

“ Whenever a vacant bishopric is to be filled, two
 “ or three candidates *shall* be elected by the clergy and
 “ the people of the vacant diocese, who shall present
 “ them to the Metropolitan and his brother bishops;
 “ and they, having first fasted, *shall cast lots*, leav-
 “ ing the determination to J. C. Then he, on *whom*
 “ *the lot shall fall*, shall be consecrated.”

With the leave of *Columbanus*, I will give *my* account of the canon. After interdicting ordinations to sees, *per saltum*, notwithstanding any king’s rescript, or assent of bishops and clergy, or desire of the laity, it continues; “ So that, *when either two or three*, previously chosen by the agreement of clergy and people, shall have been presented to the *judgment* of the Metropolitan and to his fellow bishops, that person,
 “ *whom*

Cum Duce D. N. J. C. die Kal. Nov. anno feliciter xiv. Regis Christianissimi et piissimi Dni Reccaredi Regis, *Taracoenensis Provincias Episcopi*, in urbem Barcinonensem...fuissent congregati, hoc *Sancta Synodus statuere elegit.*

“whom the *lot* shall appoint, our Lord deciding, shall
“be consecrated.”

The *casting of lots*, and *the lot falling on one*, are embellishments added by *Columbanus*. The *lot* in this canon is nothing else, than the concurrence of the episcopal judgment with that of the clergy and faithful. Our author, in his eagerness to compliment the Spanish clergy, forgot to read the canons themselves; as he might thus have learned, that they are the forgery of a *Græculus*, and that the *sors* or *lot* is the *καρπός* of the Greeks, and *Judicium Dei* of saint Cyprian.* The national council of Barcelona, and the patriotic Spanish clergy, are now disposed of. To *Columbanus* again.

“The christian elections were made on this principle from the first ages of the church.”

This you will remark is what he is about to prove.
“And with such order, care, and decency that...
“Alexander Severus, though a Pagan emperor, when-
“ever he appointed governors of provinces, or receivers of the public revenues, first proposed their names,
“desiring the people to bring forward evidence against
“them, if unfit, or guilty of any crime, but not to
“accuse them falsely at the peril of their lives; for,
said

* See note B. at the end of this letter.

said he, it is unreasonable, while Christians and Jews
 “ follow this rule in *proposing those whom they appoint*
 “ *ministers*, that we should not adopt it in the appoint-
 “ ment of governors, to whose hands the lives and
 “ fortunes of men are committed. (Lamprid. in vita
 “ Severi c. 45).”*

With humble deference to Alexander Severus, although instructed by his mother Mammaea, a Judaizing christian, the adoption of the rule shewed at once the rectitude and elegance of his temper, and the puerility of his understanding. No worse device could have been resorted to for *oppressing*, than that, which invited public accusation against powerful men, with the alternative of death in the case of failure, if the supposed injured persons, or accusers generally were bound to come forward in person. It was a test of innocence, pretty nearly resembling the proof of the KING's *droit*, that results from the silence of the multitude at Westminster, when at a coronation the champion rides in after the feast, and challenges peers, bishops, aldermen and Sheriff's ladies to take up his gauntlet. But, supposing the ordinance very wise and to have been copied literally from the ecclesiastical polity of that age, I find, that it was not the express consent, but the silent acquiescence of the faithful,

† The words of Lampridius which Columbanus translates, in *proposing those whom they appoint their ministers*, are, in *prædicandis sacerdotibus qui sunt ordinandi*; i. e. by publishing the names of those who are to be established their priests.

ful, that was required in the consecration of *bishops*. I would infer, that the use or object of appealing to the people was not to gain their votes, but to elicit the truth from their knowledge ; especially as those *ministers* of the christians had the possession and disposal of all the church property. I hardly will concede, that, although *publication of Banns* is an established condition previous to legal celebration of marriage, the parties solemnizing can accurately be said to be married with the consent of the *representatives* of the people. This instance therefore, as a leading illustration of the christian practice, may be valuable. As to the *consent*, in the meaning of our author, to be given by the people or by their *representatives*, it proves nothing. With regard to the *universality* of the rule, it proves less than nothing. Again for *Columbanus*.

“ In fact, the *apostles* committed the election of the “ *deacons* to the disciples.” *Peter* did commit the election to *all* the disciples, and the reason is manifest; because the temporal office was the object of immediate election, and because some disciples murmured against what they conceived to be national partiality. *Columbanus* forgets to prove, that the apostles committed the election of deacons to the *representatives* of disciples, or that of *bishops* to the *disciples*. Saint Paul did otherwise. When did the apostles practice the *universal* rule ?

“ Saint

“ Saint Jerome says, that this discipline was invariably adhered to from the days of saint Mark in the church of Alexandria; that *until his own age,* the presbyters of Alexandria uniformly elected the bishop* from amongst themselves.” We have examined that assertion at large. But saint Jerome says, until Heraclas and Dionysius, which means one hundred and twenty years *before his own age*; in other words, about half way between the death of apostles and the days of saint Jerome. But, in the name of sound sense, does the discipline of Alexandria, whereby *presbyters were the sole electors of their bishop, until the year 260*, prove it to be an universal rule from the earliest times and handed down from age to age, that the consent of the *representatives of the people* was required?

“ Saint Athanasius argues, (in Ep. ad orthodox.) that Gregory, who was appointed to the see of Alexandria by the Arians, was an intruder, because he was not elected by the postulation of the clergy and
“ people.”

* The text of saint Jerome is given by Columbanus in latin, without version, parody or appendages. Now Columbanus, when he has a text, makes excellent use of it, and never hides his flambeau under the bushel of a dead language. Unfortunately no *people*, or *popular representatives* were in the text, which Columbanus manfully puts in front, with the preface; “ Saint Jerome says, they adhered to this discipline,” i. e. the discipline expressly negatived by the text adduced. Yet this is the Columbanus, who requires general admission to *synods*, because whatever is not public must be inquisitorial.

“people.” This argument of saint Athanasius, and the *Latin* words given by *Columbanus*, are copied from Natalis Alexander, (T. 3. p. 126), with this only difference, that, in that author, Athanasius is said to prove the intrusion by *this also amongst other arguments*. One answer shall serve this and the following. “Pope Julius I., argues against the same Gregory from the “same apostolical discipline; *Quia nec multis notus, nec a presbyteris nec ab episcopis nec a populo postulatus fuerat*. In epistol. ad oriental.”

The English of the last quoted Latin text, is *because he was neither known to many, nor postulated for by the presbyters, nor by the bishops, nor by the people*. *Columbanus* gives the Latin without a translation. Why so? I charge him with having had a meaning in this. Why not inform his readers, that pope Julius I. required the postulation of *bishops*, as well as of the *representatives of the people*? For *bishops* are found in the text; *representatives* are not to be found.

The text, however, is adduced very impertinently. I can hardly blame *Columbanus* in this particular. He trusted implicitly to Natalis Alexander (T. 3. pages 127. 128. 129), while he quoted him only for two or three supplementary instances. But since he has plumed himself in the erudition of that *learned Theologian*, he will bear to be told, that Julius I. is not insisting on the positive canonical rule, nor stating it. He is shewing, *ex abundanti*, the irreligion of those at Antioch

Antioch, in sending Gregory (or George) in the place of Athanasius falsely condemned. His words, without mutilation, are these; "It was unlawful, that such innovation should be attempted against any church. What church rule, what apostolical tradition will bear out this; that *while a church is undisturbed by dissention, and while so very many bishops hold unanimously* (i. e. communion of government) "with the bishop of Alexandria, Athanasius, one Gregory should be sent off thither, a stranger to the city, neither baptized there, nor generally known, nor called for by any presbyters, by any bishops, by any laity?...Supposing, that Athanasius, in pursuance of the synodical examination, had been found in blame, yet no ordination so lawless and subversive of church rules ought to have taken place. *The bishops of the province should have ordained a person of that same church, a person of the sacred class there,*" (i. e. a presbyter or deacon), "*a clerical person.*"* The rules derived from the apostles should not have been done away." The context, and the ending part, in which Julius tells *positively* how a bishop of Alexandria should have been ordained, and in which no *representatives* of the people are even hinted at, give the best comment on the scrap, uncritically put forward by our author. Let us return to *Columbanus*.

"This primitive discipline" (of the requisite consent of the clergy, and of the *representatives* of the people),

3 x

* *Quæst. x. c. 2.*

people), "was founded on the apostolical canon, that
 "a bishop should be blameless and of good report."
 Our author relies on the *good report*; forgetting, as it
 is not unusual with him, the words subsequent. The
 apostle requires "a candidate for episcopacy to have a
 "good repute amongst the unbelievers."* Did saint
 Paul treat the *representatives* so very unhandsomely as
 to indicate them by these words? Let us hear some-
 thing more.

"It" (namely the *discipline* last mentioned) "was
 "so rigorously adhered to in the election of Popes,
 "that he who was not so elected, was *always considered*
 "an intruder...Pope Innocent states the *validity* of his
 "own election, *consentientibus sanctis sacerdotibus,*
 "*omnique clero ac populo* (Innocent I. ad Anya. Libb.
 "T. 4. p. 1701 et in *Pere Coustant* 739)."

Columbanus, instead of translating his text, sends us
 down to a note, from which we learn, that the words
 were written in 401, *thirty years before the mission of*
saint Patrick. This shyness is not forgetfulness.
 The words, so far as he has given them, mean, *with*
the consent of the reverend bishops and of all the clergy
and laity. This did not bear to be englished, in
 proof of his grand rule.

Are we then to suppose, that Innocent I. states the
validity of election, as depending on the consent of the
 bishops, *of all the clergy and all the laity*? He had not,

* Tim. I. ch. 3. v. 7.

it seems, even one vote above what was *necessary*. I should be glad, after all, to know from himself, whether he states the *validity* of his election upon such grounds. His words are these to Anysius of Thessalonica. "Our Lord God, having vouchsafed to summon to himself, though soon, pope Anastasius, a man of blessed memory...lest his church, *even for a little time*, should be left unsteered by a ruler, I am bound gratefully to relate, that *without a moment's delay*, and in his great bounty, the reverend bishops, and all the clergy and people coming to agree in that spirit of peace, which HE returning to Heaven was pleased to bestow, I was established in this place, my well-beloved brother."* What Innocent gratefully collects, as a merciful interposition, and as an extraordinary benefit, was, according to *Columbanus*, but the proof of a *valid* election. What *Innocent* declares to have been salutary mercy, lest the church, *even for a little space*, should feel the want of a pilot, is for *Columbanus*, but the *universal rule* handed down from *age to age*. And how does *Columbanus* prove his assertion?

Look

* Dilectissimo Fratri Anysio Innocentius. Cum Deus noster Christus S. M. virum Anastasium Episcopum, licet celeriter, ad se vocare dignatus est.....ne ejus Ecclesia aliquantulum sine Rectoris gubernaculo remaneret, statim pro sua misericordia, consentientibus sanctis sacerdotibus, omniq[ue] clero ac populo cum pace, quam Deus Ecclesiae suae rediens ad cœlum donasse dignatus est, ordinatum me in ejus locum, frater carissime, par fuit recognoscere.

Look at his text; then look at the words of Innocent. He has *proved*, by culling out *seven* words from a phrase of more than *sixty*. Shall we see more?

“The fourth council of Orleans decreed, and for the *Catholicity* of this decree appealed to *ancient canons*, that bishops should be elected by the clergy and people, *with the consent of the civil power*.”

With the consent of the *civil power*! Ah, Columbanus! this is not good faith. You had dated your universal rule from the apostolic age. Your *representatives*, in *that* age, must have been *christians*, and freely chosen by *christians* to represent them in ecclesiastical elections. How could you think of bringing in thus abruptly the *civil power*? The fourth council of Orleans, you say, is your authority. I will not ask you for what. You have forgotten your *universal rule*; and, not to torment you any longer, the *fourth* council of Orleans has not one word about the *civil power*. Let us get on to the *fifth*, which you undoubtedly meant, by your remarking, that, of the *archdeacons* and *deacons* and abbots and priests and bishops subscribing, nineteen are numbered in the calendar. No archdeacon or deacon was in the *fourth* of Orleans subscribing, nor was any Abbot there. In the *fifth* of Orleans, we know, that there are such persons subscribing, *as proxies for their bishops*. Let us see therefore, in what manner the *fifth* of Orleans *decrees*, and appeals to *ancient canons* for the *Catholicity* of its decree,

cree, that bishops should be elected by the clergy and people, with the consent of *the civil power*. I give the words, not as you *extract* them from Natalis Alexander, but as they appear in all the editions. Canon x. “ Let
 “ no man be suffered to obtain the episcopal station by
 “ bribes or by purchase; but, the KING’S ASSENT
 “ concurring, let each pontiff, in pursuance of the
 “ choice of clergy and people, *according to the ancient*
 “ *canons*, be consecrated by the Metropolitan or his
 “ delegate, in union with the provincial bishops. If
 “ any one, by bargaining, shall trespass the order of
 “ this sacred enactment, we decree, that the person,
 “ so corruptly ordained, be put aside.”*

Now, *Columbanus*, I am really compelled to make a few strictures on *your fourth* council of Orleans. The first remark is, that you have misrepresented the text, by transposing the *consent of the civil governor*, in order

* Aurelianens. v. Can. x. Ut nulli episcopatum liceat præmiis aut comparatione adipisci, sed, cum voluntate Regi, juxta electionem cleri ac plebis, sicut in antiquis canonibus tenetur scriptum, a Metropolitano, vel quem is vice sua præmiserit cum comprovincialibus pontifex consecratur. Quod si quis regulam hujus sanctae Constitutionis, per *coemptionem* excesserit, eum, qui per præmia ordinatus fuerit, statuimus removendum. Labb. v. 392 Hard. I have translated, *coemptionem*, as it will bear the meaning of *buying up*, and thus be pointed against corrupt voters. Still I have no doubt, from a review of the extreme precision and accuracy of the Gallican canons, that, per *coemptionem* (i. e. *contemptionem*) was the original writing.

der to make that consent, an ingredient *required by ancient canons*, and a piece of *catholicity*. My second remark is, that you have, by no very liberal species of conjuration, transformed the KING Childepert into a *civil governor*. Undoubtedly every king is a governor: but whenever it happens, that the whole of a controversy may turn, as in the present instance, on a general or specific denomination, it is swindling the question, to substitute the general term for that which is more restricted. The christian *kingdom* of the Franks had had but the existence of fifty years, when this canon was made. This being so, it would have struck every man, if you had fairly given KING instead of your *civil governor*, that, by no possibility, could the bishops at Orleans have appealed to *ancient canons*, for the *catholicity*, or universality of a rule, necessarily recent or made on the spot. Why then so disrespect the truth, *Columbanus*? Which is likelier to survive; the advantage gained by this trick, or the record of its detection? My *third* expostulation is, that you would conceal from your readers, that this *assent* of the king, whom you change to *civil governor*, is an interpolation. Did you not observe, *Columbanus*, the remark of *Sirmond* in his notes, that in three of his best manuscripts, the words, *cum voluntate regis*, are not extant, and that there is a different reading, which evidently

is the true one? * Did you not also remark, that in the contemporary canons of Auvergne II., which are transcribed from those of Orleans, † the *king's assent* is also wanting?

I will not ask *Columbanus* to explain, how this pretended *Catholic* decree came to be omitted in the *real fourth* and in the *third* councils of Orleans, though held within eleven years before the synod in question. Neither will I pray him to reconcile the sense of his pretended tenth canon with that immediately following; inasmuch as the eleventh canon forbids *powerful characters* to interfere, with overweening influence, in elections, and to reduce by such means the clergy and citizens to a consent; the penalty being of perpetual deposition against the bishop elected through such influence, which by the fathers is declared to be *force*. ‡ *Columbanus* has positively discovered, what I cannot, a connection

* In annot. Jacobi Sironi. *Cum voluntas Regis... Fossatensis, Bellovacensis et Thianensis; sed sicut in antiquis canonibus tenetur scriptum, etiam consensus cleri et plebis*, a Metropolitano &c. The council evidently alluding to the letter of Celestine I., directed to the two provinces, as well as to the 89th of Leo, to the bishops of the province of Vienne.

† Labb. v. 402.

‡ Aurelian. v. Can. xi. Item, *sicut antiqui Canones decreverunt, nullis invitis detur Episcopus: sed nec per oppressionem potentium personarum, nec ad consensum faciendum civis aut clerici, quod dici nefas est, inclinatur. Quod si factum fuerit, ipse Episcopus, qui magis per violentiam quam per decretum legitimum ordinatur, ab indepto pontificatus honore in perpetuum deponatur.*

connection of some sort between the *catholicity* of his assertion at the outset, concerning the representatives of the people, and the text he has lately brought from Orleans, concerning the *catholicity* of the *civil governor's* consent, over and above that of the *people at large*.

“ The fifth council of Orleans, held in 549, appeals “ *in like manner* to the *venerable* authority of *ancient councils* in *confirmation* of this *decree* of the 4th.” The *5th* council of Orleans is that which we have just *examined* and quoted : the *fourth* of Orleans has not a word on the subject. Does this fifth allude to the *fourth* of Orleans ? No surely.

“ Natalis Alexander observes *on both* that the authority of the *civil power* in the election of bishops “ was very great, and the consent of the Roman emperor was required in the election of popes.” Natalis Alexander does not observe *on both* : he distinctly refers to the fifth of Orleans,* as the first canon on the subject ; although he shews that the abusive *practice* had been antecedent to the canon, and had begun *early* in the sixth century. After the words quoted by *Columbanus*, Natalis adds, “ *This practice was introduced by violence* rather than *by legitimate discipline*. However the church *tolerated* the practice, and yielded “ to the sovereigns, in order to avoid schism, and to “ obtain

* T. 5. p. 449.

" obtain their protection, which was highly necessary
 " for the *keeping down of heretics*, for having the ca-
 " nons enforced, and for preserving from dilapidation
 " the church property."* I spare comments, as well
 on the fair-dealing of our author, as on the help he has
 derived to the *catholicity* of his rule from the learned
 Théologian.

Having gone over the authorities put forward by
Columbanus in his text, we will travel down to those
 given in his notes. The first from Leo the Great to
Anastasius of Thessalonica. " In the case of episcopal
 " elections, let that one be preferred to all, whom the
 " unanimous agreement of clergy and laity shall call
 " for; provided, that, if the voters be divided into
 " several parties, that one" (candidate) " shall be
 " preferred to another, who is assisted by the superi-
 " ority of interest" (votes), " and by greater deserts,
 " as the Metropolitan shall decide: *this always observed*,
 " that *no person* be established as bishop where the
 " people are repugnant, or *there are none to call for*
 " *him*; lest the flock, having such repugnance, either
 " scorn or detest a man not sought for, and from not

3 Y

" being

* Natalis Alex. T. v. 448., immediately after the words quoted by
Columbanus. Quam consuetudinem *Vis* potius invexerat quam legi-
 tima disciplina. Hanc tamen patiebatur Ecclesia, parebatque prin-
 cipibus, vitandi causa schismatis, et ut ipsorum tuitionem promere-
 retur, ad comprimendos hæreticos, ad executionem Canonum, ad Ec-
 clesiarum bona sarta tecta servanda maxime necessariam.

“ *being allowed* to have the person they had wished,
 “ *should become less reverential than is meet.*”*

The direction here given was wise, I acknowledge, and equitable. But I doubt very much, whether *Columbanus* will be able to extract from it a justification of his grand rule in any one particular, either as to the *catholicity* of the rule itself, or as to the necessary consent of the *majority of the clergy*, or as to that of the *representatives* of the people. Anastasius of Thessalonica had behaved tyrannously towards his subordinate Metropolitans, and had trespassed beyond his privilege of delegate to the holy see. In other respects also he had carried himself with insolence ; so that pope Leo feared to have been committed in the odium of his unbishop-like misconduct. To cut off all such excess and tyranny in future, and in consequence of repeated complaints,† Leo sets down regulations for the exercise of his visitatorial power : of which regulations, some are
 but

* I give in my text the English of those authorities, of which *Columbanus* has thought proper to exhibit only the Latin. *Cum ergo de summi sacerdotis electione tractabitur, ille omnibus præponatur, quem cleri plebisque consensus concorditer postularit .. tantum ut nullus invitis et non petentibus ordinetur, ne plebs invita episcopum non optatum aut contemnat aut oderit, et fiat minus religiosa quam cavens, cui non licuerit habere quem voluit. Leonis Epist. 84. Labb. ii. 1385.*

† In the preamble to the ordinances. *Et necesse est post multum experimenta causarum, etc... quatenus omnis materia scandalorum auferatur... præeminente quidem in illis provinciis Episcopatus tui fastigio, sed amputato totius usurpationis excessu.*

but the enforcement of decrees already made at Nicea and Sardica ; some are taken from the decretals of his predecessors ; and the remaining, as is that in question, are of extemporary application to the Greek churches subordinate to Anastasius.

This decretal ordinance expressly provides, for all the Metropolitan churches under Thessalonica, in two cases of election ; namely, in the case of *unanimous election* by clergy and laity, and in the case of a superiority, in which the Metropolitan was to be the sole arbitrator of *personal* titles of desert, as well as of numerical votes. In this latter case, it is plain enough, that, which way soever the Metropolitan should determine, there yet might be a considerable *minority* in point of desert, as well as an equality of *votes* at large, in favour of the candidate disappointed. Thus, even here, the rule of *Columbanus* would fail, requiring the majority of the clergy ; for as to his *representatives*, that is nonsense. Even in this express case, one or several parties should bow their wills, as in any other public election. However, there are cases, of which Leo must have been perfectly aware, and for which he could not specially provide in a general regulation. I mean, if the great *majority* of the clergy and a *few* of the people should vote for a person of greatest desert, and *some* clergymen and the great proportion of laity for a person far inferior in worth, or *vice versa* ; or lastly, where all the people stood in opposition to
all

all the clergy. By multiplying candidates, the cases will be multiplied by combination. In order to cover all such occurrences by a general negative rule, the pope lays it down, that no man, *at all events*, shall be ordained, *after such election*, against whom all bear antipathy, or whom no party whatsoever had in nomination. The reason, he assigns, is incontrovertible; because it supposes a *public election* and a public determination of *feeling*, which it would be rash and unkind to authorize by excitement, and then to affront. Still two points are remarkable in the ordinance; the one, that the *reason*, given by Leo, is the key to his ordinance; the second, that in this very reason he admits the power of quashing the popular choice, when he states the danger of the people shewing less reverence to the bishop ordained, because they had *not been allowed* to obtain a person, whom they had partially elected.

The next proof in our author's Latin Notes is from Origen on Leviticus, 6th Homily, as we have it from the translation of saint Jerome. *Columbanus* premises; "I refer to Origen on Leviticus, where he states *not* " *unequivocally*, that *this*" (*the not forcing a bishop*, and so forth) "*was the discipline of the Catholic church.*"

The words quoted from Origen are these. "Let us therefore see, by what process a *high priest* is made. Moses convened the assembly, and said;

" *This*

“ *This I have been commanded by God to perform.*
 “ Therefore, although God had given his precept for
 “ the ordination, and had himself made the *election*,
 “ yet also the assembly is gathered; this is what the
 “ apostle too has ordered, when, concerning the or-
 “ dination of a *priest*” (i. e. bishop), “ he says, *it is*
 “ *requisite besides, that he have a good character from*
 “ *those who are without.*” With the accuracy of this
 reasoning I have nothing to do; yet I should be glad
 to find, whereabouts the *consent* of the *representatives*,
 and of the *majority* of the *clergy* lies hid, in the ex-
 tract now given. I find here no *consent* whatever re-
 quired. But in the words of Origen, or of his trans-
 lator, I read an intermediate phrase between, *the as-*
sembly is gathered, and, *this is what the apostle.*
 The production of the words themselves will account
 for their *suppression*. “ For, in the ordination of a
 “ priest, the presence of the *people* is also required,
 “ to the end that they may know to a certainty, that
 “ he, who is the most excellent in *the entire congre-*
 “ *gation*, the most learned, the holiest, and most
 “ eminent in every title of worth, is selected for the
 “ priesthood. This selection takes place in the pre-
 “ sence of the congregation, *lest any individual should*
 “ *after the fact, either bring into question, or misdoubt*
 “ the appointment.”* Here indeed we have a cause as-
 signed

* Ibid. After, *convocatur etiam synagoga*. Requiritur enim in ordinando
sacerdote et praesentia populi, ut certi sint, quia qui praestantior est ex
 omni

sighed for the intervention of the laity ; and we find some sort of meaning in the introduction of the words of saint Paul. But what does this whole text from Origen prove with regard to the *discipline* of his age ? Namely, that the ordination was made before all the *people* ; that the person appointed should be of a good character ; that the people, one and all, had an opportunity for testifying to that character ; and that thus all ground for after opposition should be taken away. As to *representation* of laity, or *majority of diocesan* clergy, it is unfortunately silent.

The next authority is, that “ Cornelius of Rome, “ according to Cyprian’s account, was consecrated by “ very many bishops on the spot, in pursuance of the “ *testimony* of all the (Roman) clergy, of the suffrage “ of *all* the people then present, and of the collected “ *sense of the ancient and worthy (provincial) bishops.*”

This

omni populo, qui doctior, qui sanctior, qui in omni virtute ornatior, ille eligitur ad sacerdotium ; et hoc astante populo, ne qua postmodum retractio cuiquam, ne quis scrupulus resideret. Hoc est autem quod Apostolus, etc.

* Cornelius factus est Episcopus a plurimis Collegis nostris, qui tunc in urbe Roma aderant, de clericorum poene omnium *testimoniis*, de plebis quæ tunc aderat suffragio, et de sacerdotum, antiquorum et bonorum virorum, collegio. In these last words Columbanus very naturally taking *Sacerdotes* to mean *priests* of “ *the second order*,” because, in short, he has read Cyprian, informs us, that Cornelius was *elected* by the *free suffrage* of *all the orders of the clergy* in Rome ; and that Baronius adds, that each clergyman voted *individuall*, down to the twelfth century.

This undoubtedly shews, that the installation of Cornelius was neither a party business, as Novatian pretended, nor the result of a conspiracy, as he also pretended, to abolish the christian discipline. But where is the *catholicity* of the rule? Where are the *representatives*? Why did not Cyprian, why did not Cornelius himself, impeach the ordination of Novatian, as violating the Catholic rule?

The next authority is, that "pope Siricius (ad Himerium Tarraconensem) uses these words; *Presbyterio vel episcopatu*, si eum Cleri ac Plebis evocaverit electio, non immerito societur." That is to say, "Let him, without objection, be associated to the class of presbyters or to a bishopric, if called out by the *election* of the clergy and the laity."* Even here we find neither *majority*, nor *representatives*. But who is this *he*, that may be associated to the higher dignity? Siricius will tell you, that he is enacting with regard to persons, not baptized until they had become *aged men*. In the canon immediately preceding, he ordains

* *Presbyterio vel episcopatu* si eum Cleri ac Plebis evocaverit electio non immerito societur. I should deem it unjust towards Columbanus, who not only is unacquainted with all christian, as well as all heathen latinity, to argue on the barbarism of, *Sociari episcopatu*. I will only observe, that the old reading, which carries its own proof, is, *presbyterium vel episcopatum...sortiatur*. "Let him be entitled to his *chance* or *canonical fitness* for the dignity of presbyter, or for that of bishop, if called out by the election of clergy and laity."

ordains the order of promotion *for those baptized before the age of puberty*, in this manner. Before the age of fourteen years to be lectors. Thenceforward until twenty years of age, to be advanced to the degree of acolyth and subdeacon. Next, if his life and chastity will warrant, to be ordained deacon, and to remain in this order five *years*. Then, to be eligible for the dignity of presbyter; and ten years after to be eligible, if otherwise deserving, to the place of bishop.* In this canon no mention is made of the election of clergy or people. But in the tenth, from which the garbled quotation of *Columbanus* is made, we read; “If elderly men wish to advance themselves from offices of the secular court to offices of church, they shall, as soon as baptized, enter the class of lectors. In two years after, they shall be made acolyths or subdeacons during *five years*, and thus, if worthy, be ordained deacons. Thence, with several intervals of time, they may be canonically made presbyters, or, if *called up to the station by the election of clergy and people*, they may be ordained bishops.†

The next is, that “pope Celestine I., who *sent saint Patrick into Ireland*, ordains, that *this ancient discipline* should be punctually adhered to; Let no person be given as bishop to those, who will not have him. Let the consent and wish of the clergy, magistrates,

* Canon ix. Labb. ii. 1021.

† Canon x. Ibid.

“magistrates, and common people be demanded.”* Here again the proof fails. 1. As to the *catholicity* of the rule. 2. The consent is to be of *the clergy*, which implies, not the *majority*, but the majority beyond comparison. 3. The consent is not to be by *representatives* of the people; because the people is distinctly to agree, as well as *the municipal senate*. *Columbanus* has failed here also in his three points, as well as in all the former instances. What is more; he contradicts *Celestine*, who, as we have seen, has expressly mentioned the case, wherein all the clergy or the majority may happen to be adverse to the decision of the bishops, which decision was yet to prevail.

The last authority is, that “in the year 633, the fourth council of Toledo decrees, that he should not be considered a bishop who was not thus elected.” If *Columbanus* had looked into the canon, he would have found something more; that, in the long enumeration of canonical impediments to episcopacy, an election by the predecessor bishop is mentioned. But as to the fact, the council requires the consent of *all* the clergy and *all* the citizens.† It declares, that, if thenceforward any unworthy person should be consecrated, in violation of the canons, generally referred

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to

* Nullus invitis detur Episcopus. Cleri, plebis, et ordinis consensus et desiderium requiratur.

† Cum omni clericorum vel Civium voluntate. Can. xix. Labb. v. 1712.

to (the past irregularities being dispensed with for the sake of peace*), both he and his ordainers should incur the danger of being deposed.† This text therefore will not serve. Thus you have all his authorities for the universal rule, with the exception of two dumb references to Petau, Tom 3. p. 720, to which, from the strange manner of quoting, *Columbanus* seemed not to trust, even in *Latin*, and to the same Petau's Notes on Synesius, page 57. As *Columbanus* has betrayed modesty in this reserve, I will only say, that these references must have been foisted in by his printer.

Having thus most ably demonstrated his *universal* rule from texts, such as you have witnessed, *Columbanus*, in his second step of demonstration, undertakes to shew, from positive regulations, and from the doctrine of fathers of the church, that the *optimates*, or *gentry*, are the persons solely entitled amongst the laity to vote in episcopal election.

“ All this,” writes *Columbanus*, “ may be venerable
“ and canonical, but shall the elections of our bishops
be

* Ibid. De quorum scilicet causa atque remotione oportuerat statuendum; sed ne perturbatio quamplurima Ecclesiae oriretur, praestitis omissis, &c.

† Ibid. Si quis autem deinceps contra praedicta vetita Canonum ad gradum sacerdotii indignus aspirare contenderit, cum ordinatoribus suis ad ipsius honoris periculo subiacebit.

“ be disturbed by popular interference? I answer by
 “ no means.”*

A *good* answer to a strange question. For the, *all this*, had turned out to be mere imposition; and, as to *popular disturbance*, not a word had preceded to justify the mention of such an evil. However, it is true, that episcopal elections are not to be *disturbed* by *any* interference, if the thing can be compassed. Our author proceeds;

“ The *church* soon found, that when the *ancient*
 “ sanctity of *primitive* manners, and the fervour of
 “ apostolical virtues had given way to *ecclesiastical*
 “ ambition, the people were employed as the tools of
 “ that ambition. Tumults ensued and all order and
 “ subordination were annihilated.” We shall consequently learn, what the *church* did soon to remedy the mischief, proceeding solely from *ecclesiastical ambition*, and from *lay simplicity*; all vices being reserved by *Columbanus*, for the portion of the clergy. Hear from *Columbanus* what the *church* did.

“ I refer all the advocates for popular elections to
 “ the election of pope Damasus described by Ammi-
 “ anus Marcellinus.” This Marcellinus by many has been esteemed a heathen; by others a partisan of Ursicinus, the rival of Damasus. But what did the *church* then do? Damasus lived in the fourth century: the fourth council of Toledo, which we have just seen,

was

* Columb. first letter, p. 45.

was held in the seventh. Yet, in the seventh, the church allowed all the citizens to elect.

“ I refer them to the election of John, bishop of “ Chalons, described by Sidonius.” There was no popular election of John. The Metropolitan, finding parties on the spot, appointed John at once and ordained him.* The reference is extraordinary, while the fact shews, that the elective power, of which the laity were partakers, was but a trust derived from the ecclesiastical power. *Columbanus* proceeds;

“ I refer them to the election of saint Martin of “ Tours, described by Sulpicius Severus, who has “ been *justly* stiled the *Sallust of the christian church*.” As to the pretensions of *Columbanus* to decide, whether *justly* or *not* Severus has been stiled, if ever he had been stiled, the *Sallust of the christian church*, each reader will judge for himself. The election in truth was contested; and the *people* succeeded, almost by miracle, in gaining for their pastor one of the greatest of saints.

“ But

* Quod ubi viderunt Sanctus Patiens et Sanctus Euphronius,...consilio cum Episcopis prius *clam* communicato quam *palam* prodito,...jactis repente manibus arreptum sanctum Joannem...jam secundi ordinis sacerdotem, dissonas inter partium voces, quæ differabant laudare non ambientem, sed neo audebant culpæ laudabilem, stupentibus factiosis, erubescens malis, acclamantibus bonis, reclamantibus nullis, collegam sibi consecraverunt. Apollin. Sidon. Epist. Lib. 4. 25.

“ But above all I refer them to the *laws of Justinian*,
 “ which confine the elections of bishops to the clergy
 “ and the *optimates* of the vacant diocese, wholly ex-
 “ cluding the lower orders from any interference
 “ whatever in ecclesiastical affairs.

Very well. We shall inspect your reference. In the mean time, what did *the church*, which so soon perceived the evil consequences of popular interference? In the mean time, who are the *optimates* in the law of Justinian? “ In *two* of this Emperor’s ordinances, which were observed down to the twelfth century, it is expressly provided, that, when a bishop is to be appointed for any diocese, the clergy and *optimates* shall meet, and nominate three persons, drawing up an instrument and inserting therein upon oath, that they elect neither for any gift, or promise or friendship, nor for any other cause than that they believe them to be of the true Catholic faith, &c. and that out of these three, one who is the best qualified may be chosen at the discretion and judgment of the ordainer. Novel. 123. c. 1. also, Novel. 137. c. 2. et Cod. Lib. i. tit. 3. de Episcop. leg. 42”.

The reference to the *Code* we will pass by as nothing to the purpose. Of those two Novels *Columbanus* has preferred the former; namely, the 123d. I have then some questions to put to his understanding, in regard to this quotation. First; I would know,
 why

why he translates the words, *primate civitatis*, (which in Nov. 137. are *primores civitatis*) into *optimates* generally. Why not give *English* for *Latin*? *Civitas*, a city, is here used in a corporate sense; consequently, the *primate* or *primores* of the city must be persons holding legalized authority, either from employments of court, or municipal station, or from *census*. Why then evade these words? *Columbanus* will explain that by and by. Secondly; I would know, for what cause he has omitted, that one of the *three elect* is allowed to be a *layman*.^{*} Was this any part of the *universal* rule? Had this derogation of all canon law been handed down *from age to age*? Thirdly; I would willingly learn, whether an ordinance, that took away the right of *all the provincial bishops*† to examine, ratify or disaffirm episcopal elections, was a *Catholic* rule and *handed down from age to age*. Lastly; in what sense does he pretend, that his *optimates* were *representatives* of the people?

When *Columbanus* has satisfied his readers as to the consistency of his text with his Catholic rule, he will have the goodness to reconcile to his own candour this other scruple. Having poached in *de Marca* for those Novels of Justinian, as well as for what immediately follows in his first letter, I beg he will account
for

^{*} Novel. 123. §. 2. *Damus autem licentiam decreta facientibus, si quempiam laicorum præter curialem, &c.*

† *Ibid.* Ut ex tribus illis personis melior ordinetur, electiones et post-eulo ordinantis.

for the assertion, that this ordinance was *observed down to the twelfth century*, although de Marca shews, that it was *never observed, nor received into practice*. "The regulation of Justinian," writes he, "for the election of three candidates by clergy and people, under a *decretum* to be sent to the Metropolitan, never was received in the East or the West. So far was it from being put in execution, that the contrary practice was affirmed by a Canon of the second Council of Nicea, asserting to the *provincial bishops* the *election of bishops*, as previously enacted by the first Nicene Council. In second Nicene it was decreed, that the bishops alone should elect, to the *exclusion of the Clergy and the Laity*, who theretofore had held a *joint share*, though not a co-ordinate right in elections. Hence we need not be surprized at finding in the 28th Canon of the Council of Constantinople against Photius, as in the Latin version of Anastasius, the Laity expressly excluded, *under pain of anathema*, from intermeddling in the business of Episcopal elections.*

If

* Concordia S. et I. L'ib. VIII. Cap. 7. Quod constitutum fuerat a Justiniano de trium electione facienda a clero et plebe mittendoque decreto ad Metropolitanum, locum non habuit nec in oriente nec in occidente. Tantum vero ab executione legis istius recessum est, ut non solum usu sed canone quoque in II. synodo Nicæna anno 737. Episcopis permissa sit universa electionum potestas, citato ad eam firmandam canone IV. Synodi I. Nicæna. Eo quippe tempore decretum erat penes

If you saw this text, *Columbanus*, why skip it over? If you did not see it, but if yet you had read the second general council of Nicæa, or the fourth general council at Constantinople, with what front could you assert the ordinance to have been observed *down to the twelfth century*? If you knew nothing, either of the text or of these councils, what shall we think of your boldness in writing as you have done?

But more; against your mock 53d of Nicæa, as well as against the whole of your unworthy undertaking, you have now two decrees of *Oecumenical* councils, wherein *the bishops* resume the electing of their *compeers*, not only from your representatives of the people, but from the diocesan clergy. Will *you, Columbanus*, resist the *evidence*, as you term it, of *Oecumenical* councils? Will you act the *high priest* of the *synagogue*? Alas! *Columbanus*, you are not a *high priest*. *Hinc illae lacrimae*; nor are you likely to be a *Caiphas*, though you have volunteered like a *Doeg*. “You weep the more, because you weep in vain.”

Turning

penes episcopos solos, exclusis et clericis et populis a decreti ferendi potestate, cujus communionem antea cum episcopis habuerant, licet non aequo jure. Quare nulli mirum videri debet, si canone 28 (an error for 22) concilii C. P. habiti anno 870. adversus Photium in editione latina Anastasii bibliothecarii ista legantur; *Promotiones atque consecrationes episcoporum electione ac decreto episcoporum collegii fieri sancta haec et universalis synodus definit ac statuit; depulsis disertè eodem canone laicis a negotio electionis sub poena anathematis.*

Turning aside from this loathsome pathetic, our author, being aware that some one instance would be required to shew the practical adoption of Justinian's ordinance during six centuries, most ingeniously takes it for granted, that the law was obeyed; but that a colourable exception in *one single case* might be alleged against its universality. "It *may be objected*," says he, "that Gregory I. insisted, *notwithstanding this law of Justinian*, that the bishops of Sicily should be elected by the people, as well as by the clergy, as appears by his letter to Barbarus, bishop of Benevento;—but it will, *on close examination*, appear, that, though he desires Barbarus to *endeavour* to make the clergy and the people unanimous, he nowhere says, that the people had any *right* to elect."

This *right* must mean *legal* right. Now, what are the words of Gregory I.? *Columbanus* has given them in Latin; and let the reader *closely examine* this English.

“ Do not delay to warn the clergy and laity of
“ Palermo *to lay aside parties*, and with one unani-
“ mous consent to make application for such a bishop
“ to be their governor, as shall not in any respect be
“ disfavoured by the Canons. Provided, that such
“ one shall be postulated under a formal instrument,
“ confirmed *by the signatures of all*, accompanied by
“ your written credentials of esteem, let him come
“ hither

* Columban. 1st letter. p. 47. 48. note.

“hither to Rome to be consecrated by me.” Am I not stupidly patient with this man? He, first of all, falsifies an imperial edict and brings it in proof of an immemorial and canonical rule, though enacted in violation of canonical rule. Next, he pretends, that this rule had force until the twelfth century; although it never had force or authority; although its provisions were anathematized. Then, instead of adducing even a single instance of its enforcement, he adduces, as an objection, a pretended single instance of deviation; and this he reconciles to the falsified text of an obsolete law by concealing that half of the objection, which overthrows his hypothesis.

But there is a certain whimsical fatality in all the best stratagems of our author, as if he had conspired against his own deceptions. In this very case of the church of Palermo, not only the law of Justinian, excluding the people at large, was not allowed, but one of the provisions in that edict is forbidden under pain of excommunication. Saint Gregory writes also to the clergy, municipal body and congregation of Palermo, to inform them of the appointment of Barbarus, and ordering them, with one and the same consent, to elect, and under one instrument, signed *by all*, to testify their choice. He adds; “Taking heed above all things not to attempt to elect a layman, be his deserts what they may. For not only such layman shall not be bishop in any event, but you yourselves
“shall

“ shall not be forgiven, for any interest to be made on
 “ your behalf; and any layman amongst you, proved
 “ to have aspired to that dignity, shall beyond a doubt
 “ be disabled from obtaining the office, and be excom-
 “ municated.”* Even Gregory I., you observe, knew
 nothing of the 53d Nicene canon; not even from the
 collection of Dionysius Exiguus. In reading *originals*,
Columbanus has found but this one instance of the
 church of Palermo. I have found in the *mere* printed
 letters of Gregory, the same conditional clause requir-
 ing the *consent of all*, not once or thrice, but as re-
 peatedly expressed as the note below declares.† In
 fact, the clause is uniformly a part of the precept.§

Our author, having *succeeded* thus far, is coming to
 a more *minute* investigation. “ The people in fact,”
 says he, “ only gave their testimonies of *consent* in a
 “ body, but not their *votes* individually as electors.
 “ Both they and the *optimates* gave their *testimony and*
 “ *consent* by *ancient usage* (which right of *consent* ex-
 “ tended even to the appointment of parish priests.
 “ Valesius

* Epistol. lib. xi. 19. Sed et omnes, quos ex vobis de laica persona
 aspirasse constiterit, ab officio et a communione alienos faciendos pro-
 hibebis poteritis.

† Epist. Gregor. M. lib. 2. part 1. ep. 19. 27. 38. Lib. 3. ep. 39.
 Lib. 5. ep. 31. Lib. 6. ep. 16. Lib. 7. ep. 25. 26. 51. 88. 89. 90. 91.
 Lib. xi. 17. 18. In all which the clause, Qui dum fuerit postulatus, &c.,
 is expressed. § Datis ex more praeceptis. Gregor. ad Episcop. Ravenn.
 Lib. 7. ep. 50.

“ Valesius in Euseb. lib. 6. c. 43. Presbyteri olim ab
 “ Episcopo ordinari non poterant sine consensu cleri
 “ ac populi); but neither elected by *divine right*;
Columbanus will do well to look for those *parish priests*
 once more in Valesius; he will do very well to look
 again for these *optimates*. Next, he will do very well
 to find some *ancient* text establishing the *ancient* usage
 of a distinct testimony, given by the *optimates*, as well
 as for the possibility of the congregation, in a body,
 bearing testimony to what one or two individuals only
 might be able to object to the candidate. That when
 the people were *unanimous*, they did not vote *individually*,
 I allow to be most highly probable: that neither
 they nor the *optimates* elected by *divine right*, is per-
 fectly true.

“ Therefore,” continues our author, “ when the
 “ *rabble*, became tumultuous and unworthy of giving
 “ any testimony or consent, they were justly excluded
 “ by *human law*, as *should* also the *optimates*, if they
 “ had been equally undeserving.” One mysterious
 character was not sufficient for this drama. Besides
 the *optimates*, the *rabble* is brought in. “ *This rabble*,”
 said the Pharisees on one occasion, “ *that is ignorant*
 “ *of the Bible, is accursed by Heaven.*” We had had
 the *people* on the stage: let it have been the *multitude*.
 A multitude may become riotous, whether of kings,
 nobles, or of the lowest orders. Yet it would be
 scarcely wise to call them *rioters, ex post facto*; much
 less

less to clap the nickname on them as a surname. *Columbanus* allows, however, to the *rabble*, before they became tumultuous, the right of consenting, derived from the apostolic times: but because at Rome, and at Chalons, and at Tours, the rabble became tumultuous, and unworthy of giving any testimony, the entire world of christian *rabble*, alias people, down to the *twelfth century* from the *fifth*, was *justly excluded* by human law. This is comprehensive justice indeed. "So should the *Optimates*," he remarks, "if they had been equally undeserving." Until we can identify those *Optimates*, we cannot bring them to a trial: yet, in their case, as being favourites of our author, I would suggest, that no demerit of *Optimates* at Constantinople under Justinian could justify the exclusion of all the *Optimates* of all nations, unless the disease of unworthiness were attached to the name like a patent.

One paragraph more from *Columbanus*, and I have done. "This distinction is clearly marked by the most eminent fathers of the christian church." We shall hear them. The *distinction* about to be clearly shewn, is between "the consent of the people, the *wish* of the gentry, and the *election* of the clergy." "This distinction is marked in the passage of Leo already quoted, that in the election of a bishop the *will* and *desire* of the people should be consulted." True; but the very first words of the
passage

passage, quoted by you *in latin*, were these;
 “ Whenever a consultation is held for the *election* of
 “ a bishop, let him be *preferred*, whom the unanimous
 “ *consent of clergy and people* shall call for.” Thus
 here, not only no distinction is marked, but the same
consent is allowed to people as to clergy, and the
election is given to the bishops.

Columbanus. “ The transgression of this rule was
 “ objected as a *great crime* to Hilary of Arles by Valen-
 “ tinian III.” This emperor is then become an *emi-*
nent father of the church. As to the *great crime*,
 Valentinian calls it a *most unseemly proceeding*. *Co-*
lumbanus. “ It is worthy of particular notice, that
 “ S. Leo makes the same objection, that saint Hilary
 “ ordained bishops against the *will and consent* of the
 “ people;” adding, “ that he ought to have required
 “ the *testimonies* of the people, the *will* of the gentry,
 “ and the *election* of the clergy;” * “ here the *testi-*
 “ *monies* or *consent* of the people and the *wish* of the
 “ gentry are clearly distinguished from the *election* of
 “ the clergy.” Very *clearly*. But now let us add
 these seven words of Leo, omitted by *Columbanus* in his
 english. “ Let him, who is to preside *over all these*,
 “ be

* Columb. 1st letter, p. 49. The words of Leo, as quoted by
Columbanus, are, Expectarentur certe vota civium, *testimonis* populo-
 rum; quæreretur *honoratorum* arbitrium, *electio* clericorum: qui præ-
 faturus est omnibus, ab omnibus *eligatur*. In his text he suppresses
 the *vota civium*, and the, *ab omnibus eligatur*.

"be *elected by them all*." What is become of the clear distinction?

But it is not enough for *Columbanus* to refute his own argument, and to put down his own character by one and the same attempt at demonstration: he must do this superabundantly. "Leo," says he, "adds, that Hilary ought to have required the *testimonies* of the people, the *will* of the gentry and the *election* of the clergy." From this he infers, that the *people* gave their *consent and testimony*; the *gentry* their *wish*. Will it be believed, that *Columbanus*, in order to establish this *clear* distinction, has made up one text from the head and the tail of two widely separate passages; and that in the latter of these he has suppressed the *testimonies* of the *gentry*, as he miscalls the *honorati*? Yet the fact is so.*

What

* In the *second paragraph* of the epistle in question, (Leo. I. 89. Labb. III. 1393.) this pope in reprehending the supposed misconduct of saint Hilarius, as if this latter had ordained a *successor* to Projectus, who was infirm, without either his knowledge or that of the citizens, argues thus; "Grant that *Projectus* was like to die shortly, "at least the *wishes* of the *citizens*, the *testimonies* of the *multitude* would "have been waited for; the *determination* of the *honorati*, the *choice* of "the clergy would have been looked to." In the third *paragraph* (page 1399. *ibid.*), "Let bishops who are to govern, be postulated for in "pacific and tranquil manner. Let the signatures of the clergy, the "testimonies of the *honorati*, the consent of the *municipal* government "and

What is equally surprizing is, that in the text, quoted from that *eminent father of the church*, Valentinian III, but *not translated*, the *clear* distinction is confounded. "Hilary, without sufficient cause, removed
 " some bishops; others he most indecently ordained
 " without the will and in spite of the opposition of the
 " citizens; and, as such bishops naturally were not
 " received by those, who *had not elected* them, he
 " collected an armed band."^{*}

Now, who were those *honorati*? It is worth the while to ascertain them, since *Columbanus* has, in one way or another, dragged them through the mire of all his arguments and pamphlets, under the disguise of *gentry*. In short, they were persons holding authority, not solely municipal, but of universal recognition throughout the empire; as consul, pretor; palatine officer with jurisdiction, and *patrician* in the east. I
 cannot

"and of the people be made sure of. Let him, who is to govern them
 "all, be *elected* or chosen by them all." It is evident from inspection of these two passages, that the asserted distinction has as little support from Leo, as from common sense; that *election* was not used by him technically; and that *testimonies* are interchangeably applied to the *honorati* and the *people*.

^{*} Quoted by *Columbanus*, p. 40, *ibid.* under this learned reference, *Novel. 23 ad calcem codicis*. Nam alios incompetenter removit, incenter alios, invitis & repugnantibus civibus, ordinavit: qui quidem non facile ab his qui non *elegerant* recipiebantur, manum sibi contraheret armatam.

cannot blame *Columbanus* for ignorance of what every beginner in Roman laws is acquainted with: nor even for not having looked into the title of the Codex, lib. XII., or the title in the XI *de honoratorum vehiculis*, or into the *institutions* of Justinian. But surely the *close examiner* of Gregory's epistles ought to have considered that remarkable one, in which he recommends Venantius, not merely a *gentleman* but even a patrician, to his *Apocrisiarius* at Constantino-ple, that he may obtain for him, at the price of thirty pounds of gold, the patent of an ex-consul, because though noble, he had no honours.* It would be cruel to add, that when *Columbanus* took for his motto, *Virtus...intaminatis fulget honoribus*, he should have understood the *secret* of his own warhoop.

Thus terminates the great demonstration of the great *Catholic rule*, handed down from *age to age*. How well *Columbanus* has extricated himself, although supplied with de Marca's ammunition, I need not tell. We are yet to learn, what the *church* did to exclude the people at large. We are yet to learn in what *country*, and in what *diocese* this Catholic rule was ever enforced or quoted. That the christian people, when persecuted or exposed to persecution, were justly allowed to express their preference, and that such preference was always respected and often decisive, because

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the

* Lib. XII. Epist. 27.

the self-devoted soldiers were good judges of the most courageous general, is known to every one. That no *optimates* or *honorati* could during that period have subsisted, much less have furnished a *rule*, is equally well known. That at all times, the christian people have a *right* to the fittest men for their bishops, is but a truism in the church œconomy. That not only the principles and conscience of the religious, but the eventual satisfaction of the decent prejudices of the nobility are to be weighed, is also accordant with the just, prudent, peaceful and conciliating spirit of the gospel. If these nobles are of the faithful and meritorious, they are entitled to double honour; if adverse, they are to be appeased, or gained over, unless a greater authority, I mean that of faith and morals, frown against the compliment. But that a *majority* of clergy and *representatives* of the people should give a perpetual negative standard in the election of bishops; or that any certain *quantum* of *interest*, clerical or laical, should be peremptory in episcopal elections, (the right and duty of impeaching bishops, elect or consecrated, still remaining inviolate, if they had been disqualified by crime, or should commit deadly and provable crimes after ordination); that a title of nobility or *kingship*, which is necessarily transmissible from the best to the worst, should be imperious, under the most guarded compact, over such elections, is against the gospel, is against morals: it is against the human cause,

cause, which always seeks appeal from the grievance of the *letter* to the *truth* of effectual justice, and liberal freedom. That, finally, those occasional compacts, made with popular feeling, with clerical reverence and desert, with the protection of men in power, or with their tyranny, have demonstrated, not defeated the original, proper and apostolic right of the episcopal body to determine, compromise and treat on such matters, is undeniable in the view of every rational man. That power indeed they are bound, in the spirit of Christ, to exercise in kindness and in beneficence, because they have no power to destroy or to squander that inheritance for which he died. That power, they must know, is dangerously committed, if risked on the exercise of abstract independence. But that is their own most important concern. “Let *them* attend to themselves and to their universal flock; inasmuch as the holy Spirit hath established *them* bishops for ruling the church of God, which he hath purchased with his proper blood.” The responsibility is great; but the authority is indefeasible; it is divine.

I am, Reverend Sir,
 &c.

NOTE A. TO PAGE 501.

THE story of Boniface II. first appointing Vigilius the deacon to succeed him, and afterwards confessing himself guilty of *treason*; the annulling of his act by a synod, on the ground, that it had been against the canons, are circumstances resting solely on the authority of the Pontifical Register, named of Anastasius, and carried on, as I have already mentioned, from the fourth to the middle of the ninth century, by one and the same hand. I trust it has been shewn, that the pretended violation of canons is untrue. Indeed, Natal's Alexander, a man by no means partial to Rome beyond the doctrines of the illustrious Sorbonne, of which he was a member, when he records the council under Symmachus, omits the privilege, therein given to the bishop of Rome for the time being, of appointing a successor; in the same manner, as when he relates the pretended council under Boniface II., he abstains from shewing, that Boniface had *not* acted against the rules sanctioned in the council of Symmachus. The circumstance therefore of a transgression committed by Boniface, as well as that of a condemnation in synod on that score, being fabulous, it is a matter of antiquarian discussion, whether Boniface did or did not appoint *Vigilius the deacon* to succeed him. That he did not appoint any successor at any time; that, particularly, he did not appoint *the deacon Vigilius*, is what I maintain, for the following reasons. First; because the author of the Pontifical Register, not only has compiled from partial accounts, but grossly contradicts himself. Second; because cotemporary authors with Vigilius, and such as could not possibly have been unacquainted with such a transaction, if it had taken place, are silent on this fact, though professed accusers of this pope's advancement. Lastly; because there are vestiges still subsisting of the real fact, which are enough to explain from whence this ignorant story first arose.

In narrating the acts of Boniface the second, the Pontifical Book has these words, "This pope, urged by anger and jealousy, when he "reconciled the clergy," namely those, who had sided with Dioscorus, "vindictively extorted from them anathemas and signatures. The "written instrument he locked up in the church archives, as if it had "been a condemnation of Dioscorus,...but *not one amongst the bishops* "signed, although a great majority had been for Dioscorus. Cui "tamen nullus in episcopatu subscripsit, dum plurima multitudo fuisset "cum Dioscoro." Lib. Pontif. in vita Bon. II.

Pope John, the successor of Boniface, having died, Agapetus came next, of which pope the same historian writes; "In the beginning of "his episcopacy Agapetus burned publicly in the church *the written* "instruments of anathema, which Boniface in his spiteful anger *had* "extorted from the presbyters and the bishops, against the canons and "against Dioscorus; and he released the entire church from the "malice of faith breaking men. Hic, in ortu episcopatus sui, libellos "anathematis, quos invidiæ zelo Bonifacius extorserat presbyteris et "episcopis contra canones et contra Dioscorum, in medio ecclesie, "congregatis omnibus, consumpsit, et absolvit totam ecclesiam ab "invidia perfidorum." Here we have double proof of malignity to Boniface, and decisive proof of falsehood. *Not one bishop* under Boniface had subscribed the condemnation of his opponent; yet, the instruments of condemnation, *signed by the bishops* under Boniface, are burned by Agapetus. One or other of these assertions must be false. But I shall prove, that they are both false.

About twenty years after the pontificate of Agapetus, the emperor Justinian published an edict, chiefly in defence of the condemnation, which had been resolved, of the memory of Theodorus of Mopsuestia. Even then the emperor relies upon the posthumous condemnation of Dioscorus by the *church of Rome*, which church included the bishops of its ordinary synod. "Last of all," says Justinian, Labb. V. 722. echoing the words of Benignus, proxy for Thessalonica, Labb. ibid. 481. "What person is uninformed of the proceedings of the church of "Rome against Dioscorus within our own memory? He had not
"been

"been guilty of any impious deed; yet, after his death, he was anathematized by that sacred church, for a matter regarding the church polity alone." It will hardly be supposed, that Justinian would have had the stupidity to cite this precedent, if the sentence against Dioscorus had been annulled, *as adverse to the canons*, by a pope so greatly revered in the East, as Agapetus appears to have been.

Two authors, coeval with Vigilius, and both of them decided enemies to his person and to his decrees against the three chapters, were, *Liberatus*, a deacon of Carthage, and *Facundus Hermianensis*, an African bishop. The former of these, *Liberatus*, had come to Rome, as delegate for his church, in the beginning of the pontificate of John II., who succeeded Boniface. This *Liberatus* wrote his abridgment after the death of Vigilius, and betrays the utmost hatred to his memory, notwithstanding all his sufferings. Yet, inimical as he shews himself, so far as to entertain for truth the most wicked reports against that pope; although he had been in Rome within, perhaps, some months of the alleged designation of Vigilius, he has totally forgotten to mention a circumstance so greatly tending to disparage the authority, which had condemned the letter of Ibas and the memory of Theodorus. In the same manner *Facundus*, although he sat in the council with Vigilius in Constantinople, and although he justifies the mention of the oblique and uncanonical methods, by which Vigilius had smoothed his path to episcopacy, appears entirely a stranger to the fact of his nomination by Boniface II., and to the consequent humiliation of that pope, which, being a rhetorical author, he never would have omitted, when impeaching the worth of Vigilius, whose decision was then adverse to the favoured cause. Both *Liberatus* and *Facundus* distinctly confine their accusations to a written promise, given by Vigilius in favour of the *Acephali*, in order to gain the pope-dome, and a secret declaration by him, when bishop, in favour of that sect. *Liberat. Breviar. c. 22. Facund. Hermian. contra Mociam. Scholasticum. Ob hoc etiam de ipsius episcopi Romani chirographis,*

vel

vel prius ambitionis impulsu, cum fieri arderet episcopus, vel postea venalitate, parti alteri factis, necessarium duximus non tacere, ne auctoritate nominis ejus praejudicium fides vera sufferret.

Amongst the spurious wares in the collection of Isidore, we find an excommunication by pope Silverius against Vigilus, as invader of his see. In this *cento* Vigilus is accused of having gained surreptitiously the order of deaconship from the predecessor of Boniface, though guilty of manslaughter; and of having intrigued against the canons, during the lifetime of the blessed Boniface, to be designated his successor, *had not the senate opposed the attempt*: that, having escaped the papal condemnation for that first misdeed, his wickedness became irretrievable. Cruentis humano sanguine manibus decessoribus nostris subripiens, leviticis praesumptiati excubare ministeriis...contra jura canonica temporibus S. M. Bonifacii PP., ipso vivente, successor ejus designari conabar, nisi tibi amplissimi fenatus obviasset justitia. Tunc providentia pastoralis ac pontificali honore tua execranda jam debuierant auspicia detruncari. This document is fabricated beyond a doubt; but it is certainly anterior to the compilation of Anastasius. The charge of murder is fixed upon as a mark of fabrication. What then shall we think of the Pontifical Register, wherein this charge is given circumstantially? "The Romans" (in vita Vigilii) "accused Vigilus to the emperor of having killed his notary with a blow on the ear, and of having surrendered his own nephew to the consul Asterius, who had him scourged to death." From the greater caution adopted by the maker of the excommunication it appears, that he was the authority for the compiler of the Pontifical Register; as from the desperate blunder of this latter, we may judge of his accuracy. Vigilus was accused of delivering up his own nephew to the consul Asterius. When had Asterius been consul? Fifty-two years previous to the departure of Vigilus from Rome, and in all probability before he was born. Thus the compiler, by specifying circumstances, wisely left out in the excommunication, betrays himself to have copied at second hand, and to have been more recent in time than the fabricator of the anathema. Both concur in omitting

to

to state, when it was that Vigilius became a deacon. However the story, as told by the pseudo Silverius, is, that, *during the life of Boniface*, an intrigue was carried on by Vigilius, as deacon, to insure his own appointment; that the senate opposed this intrigue; and that the lenity of Boniface, in pardoning such an attempt, was the occasion of great mischief. From this account, we may infer, first, that no designation took place: secondly, that the senate quashed the attempt by an order or a law: thirdly, that the intrigue was conducted without the knowledge of Boniface, and in opposition to his rights or security. Of these three points one is undoubted; namely, that, in the time of Boniface, the Roman senate did declare illegal all promises and contracts, made for the purpose of gaining votes for episcopacy; and the taking or retaining any value or gift for that end, was made capital. (Athalaricus Rex Joanni Papae. Labb. IV. 1748.) The *author* of the excommunication would be therefore entitled to higher credit on the two other points, than the biographer, if either were entitled to any belief.

But what becomes of the story, if Vigilius was not even a deacon in the time of Boniface? If Vigilius was not a deacon, until made by Agapetus, whom the Pontifical Book represents as the great enemy to the proceedings of that Dioscorus, who had appointed Vigilius his successor? Liberatus, the enemy of Vigilius, informs us, that Agapetus, shortly before he died, in Constantinople named for his Apocrisarius, his deacon Pelagius; and that, after the decease of this pope, the empress sent for Vigilius, *the deacon of Agapetus*, with whom she privately bargained to procure him the papal station, on the condition, that he should give up the council of Chalcedon. If Vigilius was then at Constantinople, he must have been ordained deacon by Agapetus at the point of death, and not as yet have taken his rank, when the council under Mennas was held: because, in this council, held immediately after the death of that pope, it appears, that the clergy of Rome, who accompanied him, were Theophanius and Pelagius, *deacons*; Mennas and Peter, *notaries*; and others, being *sub-deacons, defensores*, or minor clergymen. Labb. V. 4. If Vigilius

was *not* then at Constantinople, but was to be summoned from a distance, the *deacon of Agapetus*, after the death of this pope, can mean nothing but one of those deacons, created by Agapetus. Will not this suffice? If not, I will settle the point. The third council under Boniface II. was held within some weeks of his demise. Even then, Vigilius was *not* deacon of the church of Rome: *Adstantibus Tribano, Agapeto, Donato et Palumbo Diaconibus*. Labb. V. 1691. 1697. From this there is no escaping. The *Diaconiae* had been reduced to four from the time of Theodoric and pope Symmachus. At the death of Boniface, no man, called Vigilius, was of the deacons. Liberatus names Vigilius *the deacon of Agapetus*. The Pontifical Book, the sole authority for the constitution of Boniface, allows, that John II., the intervening pope between Boniface and Agapetus, made no deacons. Therefore, Vigilius was one of the four deacons of the creation of Agapetus.

From Boniface's pretended absolution of the bishops and presbyters, but especially from the words, *faith breaking men*, I collect, that Dioscorus, the rival of Boniface, had obtained *chirographa*, and, perhaps, the recommendation of pope Hormisdas, to his succession. From the assertion of Benignus, proxy for Theσσαλονica, that all *the men in dignity* communicated with Dioscorus until his death, I infer, that he had a most powerful lay interest. From his condemnation, as explained by the *senatus consultum*, recited by king Athalaric, I collect, that he had dilapidated the church property in bribes to ensure his election. From Platina, a modern author, not four hundred years old, but most unsparing of popes, and who evidently had documents before him, which afterwards perished in the sacking of Rome, I find, that Boniface II. annulled the privilege, allowed to popes under Symmachus, of nominating successors. From the odium, contracted by Vigilius, when he condemned Ibas and the memory of Theodorus, I explain the fraudulent legend of a designation of him, afterwards retracted by Boniface II. So much for the *repentance* of Boniface, and his violation of the 52d. Arabic canon of Nicea.

NOTE B. TO PAGE 516.

IN the text, I have shewn, that the pretended council of Barcelona was a provincial, not a national synod. I thought it an unworthy occupation, to refute at length the wanton assertion, that the Spanish clergy were *very tenacious of their ancient discipline*, until the invasion of the Moors; inasmuch as their own councils, especially that of Toledo III., held but ten years before this supposititious meeting at Barcelona, bear ample testimony to the utter ruin of ecclesiastical discipline in that country. As I now am proceeding to shew, that the acts of this synod of Barcelona are a forgery, I deem it right to premise, that *Columbanus* has entirely misrepresented the drift of the particular canon alluded to. Its provision is not against *intriguing clergymen*, nor against the *slanders* of their rivals, but against the sudden promotion of laymen. Here it is at length. "This also the synod orders to be revived and observed, pursuant to the ancient canons, as well as the *epistles of synodical prelates*, that henceforward, it shall not be lawful for any layman to ascend to the episcopal rank, either by *kingly recommendation*, by the *consent of clergy and people*, or by the *election and assent of bishops*, without observing the intervals by the canons prescribed. But, after he has mounted from rank to rank, according to the canonical interstices, has laboured in each, and is accompanied with the proofs of worthy life, let him be promoted to the chief priesthood, by the authority of Christ, if his life correspond to that dignity." The canon then directs the presentation of *two or three*, in the words I have given in the text.

Passing over the *synodaliſum epistolae praesulum*, as a mere clerical error for *synodialis Romanorum epistolae praesulum*, it cannot escape any reader, that the attempt of the canon forger, was to engraft the regulation of Justinian on the regulation of Siricius, anciently directed to this very province. But Siricius had allowed a layman, after serving during a stated number of years from adult baptism, to be elected bishop.

bishop. Justinian authorized the immediate election of a layman, provided two clergymen were presented along with him to the metropolitan. The anonymous legislator at Barcelona revives the canonical intervals of Siricius, and, considering the man, once a layman, to be always a layman, most happily superadds the rule of a triple presentation, without a why, or a wherefore. Such a provision as this is too silly even for Barcelona. Now to the point of fabrication.

The first canon prohibits the exaction of money or dues, by a bishop or by any of his clergy, for the consecration of priests or subdeacons. This canon is expressed in the following words. Hoc S. Synodus statuere elegit. I. Ut cum ad officia ecclesiastica clerici provehantur, nil pro benedictione aut sacerdotii aut subdiaconii collata, quidquam, vel sub obligationis nomine, a quoquam episcopo vel ab ejus clero inquiratur: Illud D. Jesu MEMINENTES edictum; Gratis accepistis, gratis date. This canon, as well as the second, is travestied from the sixth chapter of Gelasius, to the bishops of Italy. Labb. IV. 1189.

The third canon is that first mentioned, concerning the choice of bishops, which concludes with an enactment of deposition against the ordainers and the ordained, who shall have trespassed against the rule laid down.

These two canons equally bear the stamp of forgery. The first supposes the rule of blessing or consecrating subdeacons, which means, by imposition of hands, to have been usual in that age. This is false. In the eighth council of Toledo, held sixty years after the date affixed to this Barcelona document, the rule of blessing subdeacons is established, it being, as the fathers say, practised in some churches, in virtue of a tradition, which they have examined and found substantial. Sicut in quibusdam ecclesiis vetustas tradit antiqua, et sacra dignoscitur consuetudo sublatre prolata. The fathers of this council, it appears, knew nothing of the previous council of Barcelona. Even Gregory I., during whose pontificate this imaginary synod is dated, knew so little of a benediction for subdeacons, as to have had them submitted, like minor clerks, to corporal punishment, because they had no imposition of

The third canon is easily convicted. This pretended council was held in the 14th of Reccared. Out of the twelve bishops subscribing, six had already put their hands to the canons of the third of Toledo, in the fourth of the same king; of which the first canon revives the ordinance of the see of Rome, concerning promoting to holy orders. Now those canons were expressly confirmed by the king's proclamation; and a bishop, countervailing them, was subjected by all the bishops to excommunication. Lab. V. 1010. 1015. The fabricator was little aware of this, when he introduced a provincial council attempting to rescind, at the peril of their dignities, the ordinances of a national council, to which they had been parties, and which continued to be the law of the kingdom.

The Latin words, mistranslated by *Columbanus*, are so manifestly the attempt of a Greek to write Latin, or of a man ignorant of both languages to translate into Latin from Greek, that, even without the *inquiratur*, or the *mementes* of the first canon, or the *licet* of the second, I rest upon their phraseology alone. *Quem sors, præeunte jejuni, Christo domino terminante, monstraverit, benedicto consecrationis accumbet, in an ὁ κληρὸς ὑψίστης προσηγουμένης του κυρίου ἱερωσύνης αναδίδει, τούτοις ἡ χειροτονία ἱερωσύνης ἐπιτίλισσεται* It is hardly possible to imagine a combination of Latin words so decisively betraying the original, from which they had been literally taken. Whereas, in the hypothetic original set down by me, the meaning is simply, that *the man* shall be fully made a bishop by consecration, whom the *sors* of Christ, as deciding, shall have created. This *lot of Christ deciding*, I have said to mean canonical election and ordination. "Eusebius," writes the Egyptian synod, "finds fault with the ordination of Athanasius... a man, who himself, either has not had any ordination, or if he had such, has abdicated"... (by passing from see to see); "a man, who places religiousness in the magnitude and wealth of cities, and holds as of no account the lot of God, by which bishops are appointed." καὶ τὸν κληρὸν τοῦ θεοῦ, καὶ οὐ καταχθῆναι, μὲντοι ἡγουμένης. "Cornelius," writes saint Cyprian, "was made bishop in pursuance of the decree of God and of Christ." This he explains by the concurrent choice

of clergy, faithful, and provincial bishops. Factus est Cornelius de Dei et Christi ejus judicio. So in the constitutions, named apostolical, in the prayer for the consecration of a bishop, the Deity is besought to qualify the elect, for the dignity του κληρῆς δίδουσι. of giving lots. So Epiphanius, in a text formerly quoted, mentions, that Anastasius succeeded to Alexander, κατὰ βούλησιν θεοῦ. by the determination of God, as well as by the designation of Alexander. In the same sense the council of Ephesus (Labb. III. 549), after deposing Nestorius, intimates to the clergy of Constantinople, that they shall be responsible for the church property to him, that by the determination of God, and with the assent of the imperial power, shall be ordained to the see of Constantinople, τὸ κατὰ βούλησιν θεοῦ καὶ συμβασι τοῦ αυτοκράτορος καὶ φιλαρχίου βασιλέως ἡμῶν χειροτονήσονται. Which precedent, being the very first associating the consent of the sovereign with the divine *Sorts*, was literally copied by the great council of Chalcedon, after the deposition of Dioscorus, in its intimation to the clergy from Alexandria, then on the spot. Labb. IV. 462. In this sense also, in the same council of Chalcedon, Anatolius (Act. XI. Labb. IV. 697), delivers his judgment, for the removal of Eusebianus and Stephen from Ephesus, and for the giving to that city a bishop, who shall be παρὰ θεοῦ ἀναδιδυγμένος καὶ παρὰ πάντων τῶν μελλόντων πραιβεσβεσάντων ψηφισμένος; at once designated or created by God, and voted for by all those to be placed under his care. So, in the third Roman council under Boniface III., Stephen, bishop of Larissa, suggests, that he had been formerly a layman; that on the death of Proclus, the clergy and people of the metropolis, and all necessary parties framed a decretum, comprising his name, as well as those of two other presbyters; and that by superiority of vouchers, he by lot gained the best of the election; meliori testimonio, sortito electionis palmam promerui. This ordination, though irregular, yet is maintained by Stephen, the petitioner, to be secundum Deum. Labb. IV. 1692.

Thomassin, P. II. Lib. 2. C. X. §. 17, adverting to this third pseudo-canon, of which, however, he did not suspect the genuineness, had the sagacity to perceive, that the lot was not to be taken merely for casting

casting lots. "The council of Barcelona," says he, "reserves the entire
 "of elections to clergy and people; but with a *proviso*, that two or three
 "should be elected, out of whom the metropolitan and provincial
 "bishops were to select one, *ei her by lot, as the words of the canon*
hint, or even by a different lawful mean." Vel sortito, ut canonis verbe
 innuunt, vel *ratione quavis alia legitima.* Now, the, *sortito*, occurs in
 the memorial of Stephen of Larissa; and yet no *lots* were cast in that
 election. The same Thomassin, *ibid.* §. 18, acknowledges, that
 there are no instances of this canon having been acted upon: I think,
 that has been accounted for in this note. But it would not be easy,
 even for the great Thomassin to shew, how the metropolitan and pro-
 vincials could exercise their *judgment* by *casting lots*; or with what
 consistency, or by what authority the ordainers of a bishop, elected
 by *all* the bishops of the province *without lots*, could be therefore
 deposed in a provincial council.

With regard to the case of Stephen of Larissa, I observe a misap-
 prehension of Thomassin. He is of opinion that the *custom*, alleged
 by this bishop, is that which Justinian confirmed by law. It is true,
 Justinian allows a layman to be placed on the list of three; it is true,
 that Stephen held a secular office: but, it is equally true, that the or-
 dination of Stephen was impeached as uncanonical. It is true, that
 Justinian supersedes the consent of provincial bishops. It is equally
 true, that Stephen does not rely on the custom; but adds, that, over
 and above, he had had the testimonies of the congregation, and of the
 bishops of the province. Labb. as above quoted.

LETTER X.

Attempt of Columbanus to justify the Veto by means of a new distinction, and from the practice of Arian kings.—Absurdity of the distinction.—Falsity of the asserted fact.—Warning against the Veto in the practice of those Arian kings.—The Veto and arrangements briefly explained.—Their consequences, as to national liberty and general society.—The catholic bishops in Ireland vindicated from certain slanders of Columbanus, regarding their treatment of the Irish priesthood.

REVEREND SIR,

AFTER thus *clearly*, as we have seen, and *satisfactorily* establishing from eminent *fathers* of the *church*, the *distinction* between “the *testimonies* of the people, the “*wish* of the gentry, and the *election* of the clergy;” our author tells us, that he is about to shew, that “all three are all equally *distinct* from the *subsequent* “nomination, confirmation or negative of the civil
“power.

“power.”* I must confess, that I am unable, in this stage of the discussion, to do more than to invite your particular notice to what follows. The article of *Columbanus* is entitled, “Distinction between *election*” and *nomination*. The civil power, though protestant, “may nominate.” It begins spiritedly; “What! you will say, is a *Nero*, or a *Caligula*, or a *Buonaparte*, to elect a *Peter* or a *Paul*?” The question is exquisitely rational: the answer is admirably explicit.† “Patience, my friend.” Next he hints to his correspondent, that there must be some political designs at the bottom of the staggering opposition and loud vociferation, which we sometimes observe raised by ~~apparent~~ *apparent* ~~and~~ *against* *confutation*, however clear. Thus, having drilled his anonymous friend into muteness, he opens the body of his lecture. The *election* of a bishop to a vacant see “is *one thing*; *his confirmation*, or *nomination*, is *another*” (thing).‡ Here we have the first step of demonstration. There is a clear *distinction*, forsooth, between *election* and *nomination*. Why? Because *election* is *one thing*, *confirmation* is *another*, and *confirmation* is the *same thing* with *nomination*. But what is the *thing* called *election*? What is that other *thing* called *nomination*? You must for a while remain satisfied with the oracular, “Patience, my friend;” for *Columbanus* is going to explain the whole by the medium of a story. “When a *contest*”

“occurred

* *Columb.* first letter, p. 50. † *Ibid.* p. 51. ‡ *Ibid.*

“ occurred in the *election* of pope Symmachus, A. D.
 “ 503, the clergy of Rome divided, some in favour of
 “ Symmachus, others in favour of Laurentius. After
 “ much *altercation*, both *parties* agreed, that the no-
 “ *mination* should be referred to Theodoric, a professed
 “ *Arian*. Theodoric *deputed* a bishop to *proceed* on
 “ a *visitation* to Rome, to *nominate* whichever of
 “ the two he should find *most worthy*, and to *confirm*
 “ his *election*. The *imperial* deputy *proceeded* to
 “ Rome, *convened* a synod, inquired into the *merits*
 “ of both candidates, declared Symmachus duly
 “ *elected*, and *confirmed* him by an imperial decree.”*

I hope this story is quite *true*, for it is well told.
 We have then gained the material intelligence, that,
 in a *contested election*, both *parties* having *referred*
 their disagreements to their sovereign, though an
 Arian, this sovereign did interfere, and *nominated* or
confirmed the person found upon inquiry to be the
 more worthy of the *candidates*. Does not this prove
 the clear *distinction* between a *nomination* by the civil
 power, and the *three points*, of *election* by clergy,
wishing by gentry, and *testifying* by people? Does it
 not *evidently* prove, that, because the civil governor
 may be *appealed* to in a case of strife by *both parties*,
 the civil governor may therefore, without any appeal,
 or any contest or invitation whatsoever, interfere
 and decide? This novel jurisprudence, which invents

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* Columb. first letter, p. 51.

a clear *distinction* by obliterating all difference between quelling a riot in the streets and making a domiciliary visit ; between going to *dine* upon invitation, and *breaking open a house*, without request, is entitled to wonder. Yet, we are left in the dark as to the nature of this *nomination* or *confirmation*. The deputy, says *Columbanus*, declared Symmachus *duly elected*. Of course the act of *nomination* had been unnecessary, if the *election* were not questioned. The deputy *confirmed* Symmachus by an *imperial* decree. Of course this *confirmation*, being the *same* as *nomination*, was but that, which both parties had yielded to Theodoric by compromise. But in what did its efficacy consist? You must even take the answer of *Columbanus*, "Have patience, my friend."

"This fact," continues our subtle *Columbanus*, "is acknowledged by the *hireling* and *servile* adulators of the *court* of Rome, by *writers* residing in the Roman states, *writing* under the *thumb* of the pope, and under the *lash* of the inquisition. Sandini says, that the two opposite parties referred their dispute to Theodric, that he might *nominate* whichever of the candidates he pleased. Others pretend, that Theodric claimed the right of *nomination*, in virtue of a law enacted by Odoacer king of Italy, that no pope should be elected without his consent. *Certain it is*, and *all parties agree* in this, that

"Symmachus

"Symmachus was *appointed* by the *nomination* of
"an Arian."*

Now, *Columbanus*, if it is *certain* and *agreed* by *all parties*, that Symmachus was *appointed* by the *nomination* of an Arian, why conceal from us all the texts and all the authorities, upon which you rely? How comes it to pass, that, although *all parties* are agreed, yet not a single witness is called by you? You assert a distinction; you forge a story; you add, that all parties are agreed on the point you had undertaken to prove; and that, thus the one *thing* and the *other thing* are settled. I will bring you back to your own narrative, and shew, that in every circumstance you have deviated from the truth.

You say, that, "when a contest occurred in the
"election of pope Symmachus, A. D. 503, the clergy
"of Rome divided, some for Symmachus, others in
"favour of Laurentius." This is false. The contest between Laurence and Symmachus had occurred nearly four years before; and this pope had held the council of Rome, of which I refuted your account in the preceding letter, more than three years† before this date.

* *Columb.* first letter, p. 52.

† Namely, on the first day of March, 499. Post consulatum Paulini, Kal. Mar. Iabb. IV. 1312. In this year Rome had no consul, John Gibbus alone having been appointed in the East, Marcellini Chronic.

date. It is true, that there had been a contest between the parties of Laurence and Symmachus. Let us take the account of it from Anastasius, who is the master authority for the fact, and upon whom you have palmed a text, of which he has not one syllable.* Anastasius. "This Symmachus was ordained in a division, on the same day as Laurence, the former in the Basilic of Constantine, the latter in the Basilic of the B. Virgin. On which account the clergy was split, and *the senate* went into parties for Laurence or for Symmachus. By matter of compromise, both sides covenanted, that Laurence and Symmachus should go to Ravenna to have their cause adjusted by king Theodoric. There they obtained the following equitable decision, that whichever of the two had priority of ordination, or on which side the vast majority of suffrages should be proved, that one should sit in saint Peter's chair. After a fair and strict investigation, this was at length found to be the case of Symmachus, and he became pope."† Such is the original authority,

upon

* Columb. in his note, *ibid.* "Visitorem episcopum Roman misit, recrudescente discordia, synodum indixit, Symmacho Pontificatum confirmavit. Anastasius Bibliothecarius in vita Symmachi."

† Hic sub contentione ordinatus est uno die cum Laurentio; Symmachus in basilica Constantiniana, Laurentius in basilica B. Mariæ.

upon which all later historians have drawn, for the contested election. Let us annex the statement given by Platina, the earliest of the moderns. "Symmachus is ordained in great strife...A dreadful sedition took place amongst the senate and people, divided into two parties. Wherefore, by general consent, a council is summoned to Ravenna; an investigation takes place, in the presence of king Theodoric, and Symmachus is confirmed in the popedom."* In which of these two statements are we to look for the clear distinction and the appointment and nomination by an Arian King? There was altercation among the clergy, says Columbanus. This clerical altercation turns out to have been a civil war, or a dreadful sedition, wherein senate, people and clergy were arrayed on either side. On the very first day of

Ex qua causa separatus est clerus, et divisus est senatus. Alii cum Symmacho erant, alii cum Laurentio; et, facta conventione (not contentione), hoc constituerunt partes, ut ambo Ravennam pergerent ad iudicium regis Theodorici. Qui, dum introissent Ravennam, hoc iudicium aequitatis invenerunt, ut qui primo ordinatus fuisset, vel ubi pars maxima suffragiorum cognosceretur, ipse sederet in sede Apostolica. Quod tandem aequitas in Symmacho invenit et cognitio veritatis, et factus est praesul Symmachus.

* Platina, Cologne edit. 1610. p. 69. Symmachus Pontifex creatur non sine magna discordia...Seditio ingens in senatu ac P. R. bifariam diviso orta est; unde omnium consensu concilium Ravennae indicitur, discussaque re, praesente Theodorico, Symmachus tandem in Pontificatu confirmatur.

of this *altercation*, the murder of Symmachus was attempted by the *dissentient* populace.* Now, let us suppose, that no contest had occurred during the election of Symmachus; that he or any other Catholic bishop had been opposed, after twenty years of peaceable episcopacy, by a formidable party of clergy and laity, and that murders and riots ensued. Would not the sovereign, in such a case, have a right to interfere, to examine, and to be informed, from whence the disorders arose; to enquire, in what principles they were agreed on both sides, and by what authorities or rules they would consent to have the cause decided? If the sovereign, whatever be his religion or irreligion, have not such a right, in such a case, I am at a loss to know in what sovereignty or government consists. If moreover the contending parties, aware of the scrupulous impartiality of this sovereign, agree voluntarily to take him for their umpire, on a question of *fact* and *possession*, in consideration, that by the medium of the public force the public tranquillity shall be guaranteed; the case of Symmachus was evidently neither a case of *appointment*, nor of *nomination*, nor of *confirmation*, as distinct from *election*, or as essentially connected with an *election* to a *vacant bishopric*. It was an irregular remedy, if you will;

† In fragmento apologet. Symmachi adversus Anastas. Imp. Labb. IV. 1297. Inter imbres lapidum totus evasi. Judicavit Deus,

will ; but it was the only or the best remedy, from the circumstances related by Anastasius, with whom the entire credit of this history begins and ends. Now, the words of Anastasius are followed by Fleury, with this difference, that, according to Fleury, Symmachus, after the investigation, was *recognized* the lawful pope. “ Il se trouva que c, etoit Symmaque ; ainsi il fut “ *reconnu* pour Pape legitime.” What does *Columbanus*? He claps down this French in his note, and informs his *believers* in English, that “ *all parties agree*, that Symmachus was *appointed* by the *nomination* of an Arian.” There is candour!

For the purpose of giving size and circumstance to the airy nothing of his *distinction*, *Columbanus* has soldered anachronism upon fabrication. He cooks, and serves up, in one and the same dish, two facts, as separate as the battle of the Boyne and the Copenhagen expedition. He connects the sending of a *visitor*, from the court of Theodoric, with the *contested election*; although not only in time, but in cause, those two facts are totally independent on each other; although, for the *compromise* we have no ancient authority, but that of Anastasius: whereas for the *visitor*, we have the most abundant and most authentic cotemporary evidence.

Symmachus had been bishop of Rome without opposition for nearly two years, when the emissaries of Anastasius, the Greek emperor, upon an *ex parte* suggestion,

suggestion, that the pope was guilty of capital crimes, applied to Theodoric for summary vengeance. Theodoric, unfortunately, as *Columbanus* remarks, a *professed Arian*, but then a most upright, as he was a most accomplished prince, summoned an *episcopal synod*, to judge on their colleague, instead of using his civil sword.* Through the same partial suggestion, a bishop, Peter of Altinum, was appointed *visitator*, which, in English, means *administrator of the spiritualities*, in Rome, until the synod should have decided the cause of the pope. The episcopal meeting passed from Ravenna to Rome. In the mean time, the bishop of Altinum, who, against the canons, had procured himself to be appointed administrator of the principal church, was led to trespass further against all law. He seized upon the temporalities of the see, took possession of the Lateran palace, and carried himself as ordinary bishop of Rome. Symmachus, as became his own innocence and the majesty of his station,

* Of these proceedings, we have yet remaining, the precepts of Theodoric to the bishops, the message and commission from him to be read in synod, and the report of the bishops themselves, in which all the essential points are set forth. We have moreover, the vindication of the synod by Ennodius, then an officer in the court of Theodoric, and afterwards bishop of Pavia. From all these the account in the text is extracted. Labb. IV. from 1323 to 1333, and from 1340 to 1358. In the synodical proceedings, however, the order of time is inverted in all the editions, and the last session of the council is put foremost.

station, retired from the capital. When the synod re-assembled on the spot, the king's precept was read, and a two-fold difficulty stopped the proceedings. The regal message suggested, that the pope had been accused before him of capital crimes, of which the judgment was remitted to his compeers; while the partisans of the *administrator* had declared, that the king himself had had full evidence of the guilt. The second difficulty was, that no synod could be convoked without the papal authority, much less could a synod assemble to try a pope, upon a charge, which by the temporal laws was capital, and therefore, if proveable, was to be proved elsewhere. The pope, however, appeared in the assembly, in a second session, authorized the meeting, and gave to it full power to take cognizance of every misdeed, by what order soever of ecclesiastics committed.* He merely

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insisted

* From the report of the bishops. Sed potentissimus princeps ipsum quoque papam in colligenda synodo voluntatem suam literis demonstrasse significavit; unde a mansuetudine ejus paginæ postulatæ sunt, quas ab eo directas constabat. The bishops, it appears, would not take the king's word, unless they had the papal consent in writing; ...et dum in venerabili collectione sermo de incipiendo negotio haberetur, sanctus Symmachus basilicam...ingressus est et de evocatione synodali clementiss. Regi gratias egit et rem sui desiderii evenisse testatus est...auctoritatem ordinis corrigendi, sicut poscebant ecclesiastica instituta se dare professus est. On this humility of Symmachus it is remarked by Ennodius; Et quod posset fideli corda justî doloris aculeis excitare, venerando concilio auctoritatem etiam contra se, si mereretur, indulsit.

insisted on restitution of what Peter had usurped before a trial, as the law commanded. A trial, however, was not what the other party wanted. They wanted murder. Symmachus and his clergy, and the infinite retinue of faithful and Roman matrons, who accompanied with tears their pontiff, a convert from heathenism, were set upon by the ribalds of the other party. Several were massacred, amongst whom was the saintly presbyter Gordianus, the father of pope Hormisda, and the grandfather of pope Silverius. Symmachus is rescued by an Arian officer of court, and declines to attend the synod any more. Whereupon the bishops assembled frame a process, reciting the material circumstances, and thereby declare, that neither they nor the king had any evidence of guilt before them; that the accusers, after proceeding upon the supposition of guilt, ready to be proved, had demanded, against all law, to have the slaves of Symmachus put on the rack, in order to make out a *proof* of guilt; that they, the bishops, remit the cause to God, and declare the pope, fully and effectually re-established in his see, restoring to him, in virtue of his commission, every exterior right, possession and advantage, which to the bishop of Rome appertained, or could appertain. This done, Symmachus continues the council. The *administrator* is anathematized,* and so the *imperial commission* terminates.

* From the submission of John the deacon. Labb. IV. 1401.

terminates. Such are the facts, which *Columbanus* most wittily and adroitly hitched into his *nomination* and *appointment*; and which he thus related; “Theodoric deputed a bishop, to proceed to Rome on a *visitation*, to *nominate* whichsoever he should *find* most worthy, and to *confirm* his election. The imperial deputy *convened* a synod, *inquired* into the *merits* of both candidates, declared Symmachus *duly elected*, and *confirmed* him by an imperial decree.” A stretch of boldness, I presume, not often paralleled in the resources of imposture.

The supposed reference of the claims of Symmachus and Laurence to the Arian king, I have explained from the general rights of government, in a case of public sedition. It is remarkable, that Theodoric himself, in his second precept to the bishops, when Symmachus was capitally accused, restrains his own interference, and justifies it by this same principle: “It belongs to your cognizance and to God’s, to decide this cause, in order, at all events, to restore *peace*, by your sentence, to the clergy, senate and people of Rome. If you will even compromise this affair without a trial, you and God are to determine that; provided only, that, by your deliberation, tranquility be brought back to the clergy, and senate, and people.”* The same

* Precept 6 Kal. Oct. Vos noveritis et Deus, quid in ipsa causa judicare debeat, pacem omnibus modis clero S. et P. R. post judicium reddiduri,

same reason he had alleged in his former precept;* he repeats it in his third precept;† and when present in the last session, he declared, that beyond this stipulation, he had no concern with *church matters, but to reverence them.*‡ Such was the honour and the conscience, or at least the decent moderation of this *Arian* king. His dotage was cruel, I allow; but, his first years of government were exemplary. He sought no dominion over the catholic church of Rome; he neither insisted on, nor exercised a right
of

redditori, ne qua turbatio, ne ulla discordia in civitate remaneat: sive vultis ut quod propositum est transigatur (*not transeat*) sine discussione negotium, vos sciatis, et Deus qualiter ordinetis, dum pax clero, senatui populoque R. sub vestra ordinatione reddatur.

* Dated, 5 Id. August. Ut non d'utius urbs regia *turbatum tempestate* fatigetur, sed vestri æquitate iudicii redeat ad quietem... *Pax* est vestrae aestimare providentiæ, si... sit tolerandum, soluto sine aliqua definitione concilio, sub incerto ecclesiam, sub hoc certamine, *Romanam perdere civitatem.*

† Oct. 1. Nec a nobis ordinis vestri expectetur forma iudicii; sed vos qualiter vultis ordinate; sive discussa, sive indiscussa causa, proferte sententiam, de qua estis rationem divino iudicio redditori, dummodo, sicut sæpe diximus, hoc deliberatio vestra provideat, ut pax, etc.

‡ Serenissimus rex taliter, Deo aspirante, respondit; in synodali esse arbitrio in tanto negotio sequenda præscribere, nec aliquid ad se præter reverentiam de ecclesiasticis negotiis pertinere; committens etiam potestati pontificum, ut sive propositum vellent audire negotium, &c. *Dummodo* venerandi provisione concilii *pax* in civitate R. *christianis omnibus redderetur.*

of *nominating*, or of *confirming* popes. The *acknowledged fact* of *Columbanus* is a reverie. Who those writers may be, that have confessed this reverie, under the *thumb* of the pope and the *lash* of the *inquisition*, I know not. Anastasius compiled his Pontifical Biography at Rome, undoubtedly. However, he wrote about four hundred years before the inquisition was mentioned in the christian world, and about seven hundred years before it was introduced into Rome; for, surely, *Columbanus* cannot be ignorant, that Paul the fourth, the contemporary with our Elizabeth of England, was the first to establish an inquisition in that city. As to the authority of Sandini, it is less than none; nor will I stop to convict *Columbanus*, of having wronged even that miserable creature. But, when our author gravely tells us, that “others pretend, that Theodoric claimed a right of nomination “ in virtue of a law of Odoacer,” I am amazed at the ignorance of so deep a canonist. Pray, *Columbanus*, have you not read the *original* of this fabricated law, in the Roman synod? Can you be ignorant, that this law, though a gross forgery, relies on the grant of *pope Simplicius* to Odoacer? * That this law was
condemned

* *Constitutum Symmachi* in synod. R. IV. § II. The following is a copy of the pretended regulation. Cum in unum apud B. Petrum Apostolum *resedissent*, (without any names or date), *sublimis* atque *eminentiss.* Vir, Præf. Præf. atque Patric. *agens etiam vices*
præf.

condemned and annulled by Symmachus in full council,* which that pope never could have done, if his own election had been *confirmed* by virtue of its provision? In truth, you knew nothing of all this, nor did I mean to charge you with any such knowledge, when I put those questions.

Yet, on such grounds as these, *Columbanus* argues *theologically*, if so God please. Symmachus, he argues, must have been validly a pope, notwithstanding such (unsubsisting) nomination, else his pontifical acts were *void*. But, it would be *heresy* to impeach those acts as void. Therefore, “the nomination by
“an Arian, and *a fortiori* by a protestant prince, is
“not inconsistent with catholic faith; and consequent-
“ly, the civil power, though protestant, may exercise a
“limited negative in the appointment of catholic
“bishops.”† Excellent logic, and clear deduction, and right good theology! But let us not cross our
author

præcellentissimi Regis Odoacris Basilius dixit; Quamquam studii nostri et religionis intersit, ut in episcopatus electione *concorda* principaliter servetur Ecclesiae, ne per occasionem *seditionis status civitatis* vocetur in dubium, tamen *admonitione* viri beatissimi *Papae nostri Simplicii*, quam ante oculos semper habere debemus, hoc nobis, meministis sub *obtestatione* fuisse mandatum, ut propter *illum strepitum* et venerabilis ecclesiae detrimentum, si *eum de hac luce migrare contigerit*, non sine nostra consultatione cujuslibet celebretur electio. Labb. IV. 1334. 1335.

* Ibid. † Columb. first letter, p. 53. 54.

author in his full gallop. We shall overtake him at the winning post.

Columbanus passes to an amplification of his *proofs* under this title; "Popes nominated by Arian kings."* Beginning with a falsified text from scripture, and flinging a hoof at bishop Milner, he informs us, that a *clergyman*, before he exhorts us to *martyrdom*, rather than grant a negative to the civil power, must prove, that to grant a negative would be to renounce the *faith*: that there is more danger to the *independence* of the *church*, from the *usurpations* of bishops, who bequeath their sees in spite of the (famous 52 Arabic) canon of Nicea, than there could be possibly from a negative. Because, in the *bequeathing* power there is *no election*, but under a *negative*, there would be real *independence* of election.† Though it is somewhat dark to me, how *real independence* and *real controul* can subsist together, yet I own this preface is splendid. Now comes the reasoning. If even this instance (of Theodoric and the *visitor*) were solitary, yet the argument is *invincible*: for if an Arian *nomination* were repugnant to faith, the church could no more admit of it, even in one instance, than *she* could in any instance allow us to deny the *blessed trinity* or *incarnation*. The argument may be surely invincible for a certain *temperature* of understanding. But let us hear the other facts. Felix IV., says *Columbanus*, was not only
nomi-

* *Columb. first letter*, p. 53, 54. † *Ibid.*, and 55, 56.

nominated by the same Arian king, but he was *nominated previously to any election* of the clergy. The clergy remonstrated against *previous nomination*, insisting, that ecclesiastical *election* should precede all civil interference. Theodoric persisted, claiming a right *in virtue of* Odoacer's law, and the dispute terminated in a *concordatum*. The clergy received the *nomination pro hac vice*, on condition, "that, in future, "the *canonical discipline* should be observed; *namely*, "that election and *presentation* should be made by the "clergy, and that *Theodoric and his successors* should "confirm or *negative* the pope elect, as he *might deem* "most expedient for the safety of the state. These "facts are admitted by Baronius and Sandini."*

I must stop *Columbanus*. Allowing, for the moment, his *Sandini* to be worthy of notice, I charge him with grossly wronging his voucher. *Sandini*, as appears from the text quoted, asserts, that Theodoric went beyond the usurpation of Odoacer. *Columbanus* asserts,

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* *Columb. ibid. p. 56, 57, 58.* "Felix, &c. Pontifex a Theodorico designatus est. Quo facto Theodoricus non solum *confirmandi*, ut ante Odoacer, sed etiam *eligendi* jus sibi usurpavit. Restitit acriter clerus Senatusque Romanus...electioni. Ea demum lege composita res est, ut in posterum more pristino clerus eligeret R. pontificem, quem rex confirmaret assensu suo. Haec *eligendi pontificis* ratio tandem obtinuit, quamdiu stetit regnum Gothorum in Italia; quo labefactato, eam sibi auctoritatem vindicaverunt Orientis imperatores. Sandini. "Baronii Annales ad an, 526, § 24 and Pagi ad eundem annum, 23."

as from Sandini, that Theodoric claimed the right of previous nomination *in virtue of Odoacer's law*. Again ; "Sandini tells us, the clergy and *senate of Rome fiercely resisted the*" (sole) "*election by Theodoric.*" *Columbanus*, in order to make out his distinction, which gave *election* to the clergy alone, and gave *wishing* to the gentry, transmutes the *election* by Theodoric into *previous nomination*, changes resistance into remonstrance, and omits the *senate* altogether. Sandini relates, no matter how absurdly, that the dispute ended in a compromise ; namely, that, according to the *ancient usage*, the clergy should *elect* one, whom the king should establish or confirm by his assent. *Columbanus* turns *ancient usage* into *canonical discipline* : he metamorphoses *election* into *election and presentation*, in order to give to the king's assent, not only a pre-existence to this compromise, but to make it a piece of the *canonical discipline*. Lastly, he adds, from his own forge, to the word *confirm*, these following ; "or *negative* the pope elect, as *he*," namely, Theodoric "*and his successors might deem most expedient for the safety of the state ;*" thus stultifying the whole compromise by the introduction of an arbitrary *veto*, and tacking to a *congé d' elire* a perpetual letter missive of negative command.

Such is the fair dealing of *Columbanus* towards his unhappy witness. We shall see ere long, to what credit Sandini is entitled, as to the *compromise* and its *continuance* under the *successor* of Theodoric. For

the present, let us expunge one or two ignorant falsehoods of our author. "Felix," says he, as if on the authority of Baronius and of Sandini, "was designated without any previous election by the clergy." He forgets, that a *contested election* during fifty-eight days had preceded, and that a pretext was thus afforded for putting in the cloven foot of civil interference, "The clergy," says he, "made a *concordatum*, that "Theodoric and his successors should confirm." He forgets, that Theodoric had been dead, before the senate of Rome consented to *elect* Felix; and that the successor of Theodoric returned to that senate unbounded thanks "for having *corresponded*, in the "election to the bishopric" of Rome, "with the decision "of his *grandfather*."* "Theodoric," says Columbanus, "claimed in *virtue of Odoacer's law*." But Odoacer's law had been openly declared null by the council under Symmachus. But the successor of Theodoric, far from alluding to any law, excludes this surmise, when he informs the senate, that Theodoric, though of a quite different religious persuasion, after long council, had made his choice on one, to whom none could possibly object; and that it was glorious for the subject to yield his partialities to those of the sovereign * This savours very little of a *concordatum*, or
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* Gratissimo profitemur animo, quod gloriosi domini avi nostri respondisse in episcopatus electione iudicio, *Oportebat enim tunc principi*

of a claim through Odoacer's law, or of the clergy receiving a *nomination pro hac vice*. "We are compelled," says our author, "by the whole *tide and current* of *ecclesiastical history* to confess, that the *nomination* of the pope was *vested* in the Gothic kings of Italy, *whether catholic or Arian*, during the whole period of the Gothic government, from the reign of Odoacre to the reign of Justinian." *Columbanus* here rises into the great sublime, and to the plural *we*. Perhaps, after all, this *tide and current*, that *compels* him will prove itself a miry torrent. Perhaps, he will be discovered here, as heretofore, to be a deluded man. It manifests a ready and comprehensive acquaintance, no doubt, with the *ecclesiastical history* of those times, to talk of Gothic kings, "*whether Arian or Catholic*," between Odoacer and Justinian; as if one should *guardedly* introduce *Polynesian* kings, *whether heathen or schismatical*, from Captain Cooke until George the third. The broad seal of his *divine right* may reach collaterally, for aught I know, to those little incidental questions of vulgar history: so let the Gothic kings of Italy, "*whether Arian or Catholic*," pass unmolested, unless by this remark; that, if those kings were *Catholic*, we are out of the question: the title of his chapter had had been "Popes nominated by *Arian* kings."

In

principis arbitrio obediri.....qui sapienti deliberatione pertractans, quamvis in aliena religione talem visus est elegisse, ut nulli merito debeat displicere. Cassiod. Epist. 15. L. 8.

In spite of the whole *tide* and *current* of our author's ecclesiastical knowledge, it will now appear, that from the first to the last of the *Gothic kings* of Italy, neither by law nor by compromise was the *subsequent nomination* of popes *vested* in them. From Simplicius, in whose pontificate Odoacer took Rome, to Silverius, when Rome was again conquered by Belisarius, the intervening popes were, 1. Felix III., 2. Gelasius, 3. Anastasius, 4. Symmachus, 5. Hormisda, 6. John, 7. Felix IV., 8. Boniface II., 9. John II., 10. Agapetus. Of these the foremost three were freely chosen, says Thomassin: the attempt of Odoacer on church liberties, i. e. *that no popes should be made without his consent*, being frustrated, on account of the protracted war, which occupied him and Theodoric for the sovereignty of Italy.* Thomassin appears to have considered the law under Odoacer as genuine; whereas, most plainly, it was a fabricated writing, of which the council under Symmachus had never known the existence, until alleged by the schismatics.† Thomassin continues; The
schism

* Thomassin V. et Nova Disciplin. Part 2. Lib. 2. Ch. 16. § 3. Primi quidem hi et praelusorii fuere conatus. Sed ea quidem abrupta et dissipata sunt consilia diutinis cruentisque bellis Odoacrum inter et Theodoricum regem...Felix, Gelasius et Anastasius post Simplicium electi fuere liberis secundum canones eleri populi que suffragiis.

† Labb. IV. 1334. *Dixerunt inter alia scripturam quandam illustris memorie Basilium conscripsisse...Sancta synodus dixit, deferatur in medium, ut cujusmodi sit possit agnosci.*

schism, which took place between Laurencé and Symmachus, afforded an opportunity to Theodoric of usurping the entire authority of election. But this excellent and wise king, though unhappily an Arian, preferred the fame of equity and religiousness to an increase of power. After the death of Symmachus, he allowed Hormisda and John to be freely chosen.* Thus we have got over six popes. In approaching the cause of Felix IV. and the *concordatum* of our author, it may be proper to advert to the exit of pope John. The emperor Justin in the East had deprived the Arians of their churches. Theodoric, now aged and suspicious, imagined the senate of Rome and all the Catholics to have conspired against him. He accused the senate of treason. Boethius defended their innocence. The king seized on Boethius and Symmachus, the principal senators, and cut off their heads. He forced pope John to travel to Constantinople, threatening to exterminate the Catholics, unless the forfeited churches were restored to the Arians by Justin. The pope's embassy failed; and therefore, on his return, he was shut up in a dungeon, and murdered by duress of imprisonment. Such was the preface to the *designation* of Felix IV.; and such are the inviting precedents, to which *Columbanus* leads us back. To proceed; Felix IV. was not created by *subsequent nomination*, but by previous dictation

* Thomassin. *ibid.*

dictation. This *Columbanus* grants. After the death of Felix IV., writes Thomassin, a schism took place between Boniface II. and Dioscorus. But whether it originated from any attempt by Athalaric to force a pope on the church of Rome, *we have no evidence whatsoever.** John II. and Agapetus succeeded *without any consent or knowledge* of the Gothic kings, who were occupied at a distance in various wars.† Thus we have counted nine popes. Silverius, the last and the most remarkable, is omitted by *Columbanus*, or was drowned *in his ecclesiastical tide*. “Silverius,” writes Thomassin, in the words of Anastasius, “was raised
 “by the tyrant Theodahates without any instrument
 “of free choice. Theodahates, having been bribed,
 “menaced the clergy by proclamation, that any one,
 “not consenting to such ordination, should have his
 “head taken off. Certain *priests*” (or bishops) “did
 “not sign for him according to the ancient usage, nor
 “confirm his election before the ordination. After
 “Silverius *had been ordained* under violence and
 “error, the presbyters signed for him, *for the sake of*
 “*re-uniting*

* Post Felicis obitum schisma rursus erupit...an ex eo quod Athalaricus Pontificem obtrudere tentaverit, omnino non constat.

† Johnes et Agapetus sedem Apostolicam obtinuerunt inconsultis Gothicis regibus, qui et ipsi variis alibi bellis distinebantur. *Ibid.*

"re-uniting the church and the ecclesiastical body."*

What became of pope Silverius, we all know.

Such was the catastrophe of an interference by Gothic kings. In the matter of fact, *Columbanus* has asserted as generally true, what is universally false. At the same time, he has had the wisdom to conceal the effects of *Arian nomination*. If even a *concordatum* had been entered into, we find, that it was bloodily violated. But we restore that dream to our author and his Sandini. One passage more from Thomassin. "A power of electing bishops of Rome had been sought after, and now and then seized upon by Gothic kings; but it could not take root, nor gain certainty. It burst forth only twice or thrice, in the case of *tumultuous elections*, or on account of clerical ambition. Justinian *claimed it*, as a right for himself and his successors. So that, in Rome and in the principal cities of Italy, no bishop could be made *without taking from Constantinople an imperial confirmation*."

* Silverius natione Campanus, &c. Hic levatus est a tyranna Theodato sine deliberatione decreti. Qui Theodatus corruptus pecunia talem timorem indixit clero, ut qui non consentirent in ejus ordinatione gladio punirentur. Sacerdotes quidam non subscripserunt in eum secundum morem antiquum, neque decretum confirmaverunt ante ordinationem. Jam autem, ordinato Silverio sub vi et metu, propter ordinationem ecclesie et religionis subscripserunt presbyteri.

"*firmation.*"* Here Justinian claims as a *right* that, which the Gothic kings had not been able to establish by force; and this is nothing else than the *confirmation* of a bishop elect. Thomassin, therefore, never swam in the *tide and current*, which forced our author to confess a nomination, *vested* in the Gothic Arian kings. But Thomassin was ignorant of all histories, except those really existing. He had not the address to create facts, and then quote them.

It is time to dispatch the *invincible* argument of *Columbanus*, which I promised to overtake, and which amounts to this reasoning. The *appointment* of Symmachus by an Arian, if *inconsistent* with the divine rights of episcopacy, if *repugnant* to revealed faith, would have made his pontifical acts *invalid*, would have interrupted the succession, and rendered null all ordinations by Symmachus. But to assert this, would be *heretical*. Therefore, the nomination of a pope by an Arian prince is not inconsistent with revealed faith; and therefore Arian princes may nominate; that

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* Thomass. *ibid.* *Tentata* ergo et aliquando usurpata fuerat a Regibus Gotthis Papae eligendi *potestas*, nunquam satis fixa aut firmata; ut quae bis terve dumtaxat eruperit, ex occasione tumultuosarum electionum et grassantis clericorum quandoque ambitionis. *At illam* sibi successoribusque suis Justinianus quasi *perito & constantissimo jure* vindicavit, ut nec Romae deinceps, nec in famosioribus Italiae urbibus episcopi crearentur ulli, nisi quos Imperator C. Politanus confirmasset.

is to say, may *negative* or *confirm* catholic bishops elect. One instance of such nomination is sufficient proof; because, the church could no more *in one instance* admit of a nomination, being *against faith*, than could the same church *in any instance* allow us to deny the incarnation.

I will not fasten on the word *appointment*, so misapplied to the case of Symmachus. But I will try to match the *invincible* argument with one or two intelligible parallels.

First. The surrender of a besieged town to an enemy by capitulation, if inconsistent with the *sacred* duty of allegiance, would make all the conditions of such surrender null and void, as well for the conqueror as for the conquered. But, to assert this latter, would be immoral. Therefore, an enemy may conquer a loyal town. Therefore, an enemy *may lawfully be received into a loyal town*. Because, an enemy could no more *in one instance* be received, than could the duty of allegiance *in any instance* be denied to be sacred.

Another parallel. The parley and compromise with a highwayman to take your purse and garments, and to spare your life, is not *inconsistent* with the *right of property* declared in the ten commandments. If it were, no man's life would be certain at times; and this would be against self-preservation. Therefore, a man may give up his clothes and money to a highwayman.

Therefore, a highwayman may, *consistently with the right of property*, take your purse and garments. Because the principle of such right could no more allow the compromise to take effect *in one instance*, than it could allow murder to be lawful *in any instance*.

In these two parallels it may be observed, with what taste and accuracy the transition is made from the *acquiescence* of the party *forced*, to the lawfulness of the act generally. To this conclusion has the *universal rule*, handed down from age to age, by our *Columbanus*, at length arrived. The *consent* of the majority of the clergy has been discovered at last to mean the choice of a lesser evil, not an uncontrouled preference. The *wishes* of his *gentry* are reduced to be *content* with that one, whom the *Arian* prince may not deem it most expedient for the safety of the state to *negative*. The rule of saint Leo, and the homily of Origen, and the injunctions of pope Celestine, who sent saint Patrick into Ireland, are most felicitously reconciled with an unlimited controul of a *greatest political expediency* resting in the breast of an *Arian* prince. This *new* controul becomes a part of ancient *canonical discipline*; it acquires three new names, *nomination*, *confirmation*, or *appointment*, and, after all, is very consistent with the *real independence* of election.

I will not be so cruel as to ask *Columbanus*, on what ground of theological calculation he rests his *a fortiori*
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in behalf of a *protestant* over an *Arian* civil power ; nor what he means by limited *negative* in the *nomination* of catholic bishops, after he had explained his *nomination* to be the power of *negating* or *confirming*; nor what was the effect of his *Arian* *confirmation*. But I think, that, without all that vertiginous argumentation, under an *Arian* prince *independent election* may subsist, on the principles of our author, without the possibility of choice. Let us only suppose a Metropolitan see vacant, and that, according to the direction of Leo I., the bishop is to be taken from the clerks of the Metropolitan church. May not the *Arian* king deem it *most expedient for the safety of the state*, to banish all the clergymen but one? Undoubtedly. Of course, that *one* clergyman remaining will be made the bishop, or else no bishop will be made. So that, without either a *previous* or a *subsequent nomination*, our *Arian* prince reduces the *free* electors to take what he leaves them. The *independent* electors are perfectly at liberty (unless the *Arian* prince think otherwise *most expedient*) to have *no* bishop, as convicted felons are entirely *free* to *consent* to stay where they are, if allowed to stay, or to *chuse* their bread and water. This, it will be said, is a case of slavery. It is not, in the scheme of *Columbanus*. It is a case of arbitrary *greatest expediency*. It is oppression, I confess, or hostility. Such however is the conciliating principle, which, in the more elegant dress of a *veto*, our author represents as *canonical discipline*.

When *Columbanus* parallels *denying* the faith with *allowing* an *Arian* interference, he first *mistakes* his own opinion for that of those whom he contends with, and he next overleaps the points of disparity. In *his* system, very possibly the bishop, appointed thus, might be *no* bishop, inasmuch as his *universal* rule would fail. But in the persuasion of those, who hold the validity of *consecration* to depend on the performance of an episcopal function by bishops, willingly and seriously imposing hands on a subject capable of episcopacy, the argument is *not* invincible, nor, in truth, worthy of notice. Again; to deny a point of faith is not allowed *in any instance*. Why so? Because in every instance it would be a crime. Why in every instance? Because it is *in our power* in every instance, *not* to deny the faith. On the other hand, to admit of *Arian* or *Mahometan* interference, such as *Columbanus* has alleged, is *no crime*; because it is *not* in our power, in the given supposition, to avoid it. It is *captivity*, which may advance to the extreme of persecution. The bishops are bound by their office to ordain the most worthy. This duty goes always to exclude the known *unworthy*; it implies, that they shall seek for the more worthy, *as far as these can be had*. But the *Arian* prince draws a circle with his sword round a given number, and round the bishops. Is the *tyranny* of the prince, the *heresy* of the church? Is it *violation of faith* or of *divine*
rights

rights to compromise with the highwayman, by giving up your property and saving your life; to chuse for ordination amongst the only fit persons, who are to be found? One should think not. Now, is there any difference between the case of two *candidates*, or one candidate only, *being on the spot*, and the case of *all* but two candidates, or one candidate *being kept back* by the power of the sword?

The question of *Arian* interference, or of any uncatholic interference resolves itself generally into the problem, how far the christian church can redeem itself from death, by submitting for a while to chains. In particular cases the question may be this; how far the church, without selling out its birthright, which is freedom, may render the exercise of its rights auxiliary to the social rights of a commonweal. In all these last-mentioned cases, although their variety is infinite, yet the negative boundaries are the same. The church cannot transfer its own judgment into other hands by alienation, although it may conscientiously engage to reconcile, as far as is possible, its choice of subjects to the social principles of any confederation, which will guarantee its free right. In this, the church merely exchanges a larger title for a more peaceable security. Neither can it gratuitously, or without an implied exchange, or at least a well-founded hope of advancing the cause of christianity, admit a foreign arbitration within its polity; because

because, by so doing, it admits that, which of its own nature will seek encroachment, and which, if become a tyrant, cannot, without infinite prejudice to christian morals, be either shaken off or contradicted. It cannot, in short, either profess itself a slave, or bind its spiritual authority to any exterior symbol or tenancy of the temporal sword. For, considering the power of christianity, even as a mere empire of opinion; as professedly the consolation of mankind; as comprehending all times and climates; as having proved by the experiment of eighteen centuries, that it is beneficent, faithful, and most likely to endure, as long as men are susceptible of remorse, or liable to misfortune, or anxious about futurity; considering, that in its origin, in its progress, in its permanency, it stands contrasted to all political power; if the church were to bind up all its authorities with the duration of any temporal system, it would vainly attempt to share its own perpetuity with that which cannot be everlasting. For which reason, we see, that in every instance, where even the exterior church jurisdiction has been married with the temporal, the fall of the latter has entailed persecution on the church itself, and misery on the christians. To temporal governments the church teaches fidelity. But with no form of government can churchmen irrevocably engage, or pledge, or entrust the spiritual inheritance of the church itself; as no possible number of men can contract for all mankind to be born.

We

We have done with *Arian* kings. *Columbanus* on this subject is no other than he has been on every subject, rather presumptuous, rather over-confident as to the ignorance of his readers, not candid, and not very successful. We have next to consider the merits of the *veto*, as particularly spoken of for Ireland. The subject may appear obsolete; but, forgotten as it may be by the public, it is not given up by politicians, except in the name.

It is well known, that the idea of a *veto* has been rejected by the catholics of Ireland: that all our prelates, in September 1808, declared inexpedient any alteration in the mode of appointing bishops; asserting the ancient manner to be unexceptionable and salutary: that these bishops, at the same time, charged themselves with the burthen of recommending, as they had always done, to the holy see such candidates only, as should be unimpeachable, both as to loyalty and pacific manners. It will never be forgotten, that in February 1810, the three surviving metropolitans and twenty-one bishops published ample resolutions, whereby they committed themselves, in the sight of the catholic world, for their allegiance to the empire, and for the integrity of their religion. On the 2d of March in the same year, a meeting of the Irish catholic committee in Dublin resolved that, as catholics and as Irishmen, they could *never* agree to the *veto*. In passing this resolution, the meeting did nothing more than express the national determination,

determination, which for some months previous had been unequivocally manifested. So distinctly was this famous resolution the expression of Irish sentiment, that, although the declaration of the prelates had been communicated to that very meeting, it was yet agreed, that the committee should resolve, without adverting to what had been just read. To some persons that resolution appeared rash at the time, yet glorious. But as the question could not be kept back, neither was it possible, without incurring the suspicion of treachery, to modify or to distinguish, where the Irish heart rejected *all*. With what applause this resolution was announced, what rejoicings followed its success, what congratulations, what triumph, they who were present will remember, as long as they live. The enthusiasm of the Roman people, when the death of Nero was proclaimed, may have been as violent; but it was neither so patriotic nor so pure: it knew nothing of the spirit of religious freedom.

In the mean time our *Columbanus* had set himself to enlighten the catholics of Ireland on the subject of alarm, and on many other subjects of lesser moment. His leading work, dated in March* 1810,

is

* From certain expressions in this letter, it has been supposed by bishop Milner, that the resolutions of the 24th February 1810, entered into by the Irish prelates, were known to *Columbanus*; and that one resolution in particular, that "the bishops
" neither

is entitled, "*Columbanus ad Hibernos*, or a letter from
 "Columban to *his friend in Ireland* on the present
 "mode of *appointing bishops in his native country*."
 His motto from Horace informs us, that *worth* is
 a stranger to the humiliation of a *repulse*, such as
 candidates for popular dignities must experience*.

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His

"neither desired nor sought any earthly consideration for their
 "ministry, beyond that, which their flocks voluntarily offered from
 "a sense of religion and duty." *Columbanus* denies having had
 any intimation of the resolutions of February 24, and solemnly
 declares his unacquaintance, at the time his first letter was pub-
 lished, with the proceeding in Dublin, three weeks previous. I do
 not question the solemn declaration of a man still professing himself, at
 least, not denying himself to be a christian. But, as he has impudently
 called bishop Milner a *calumniator*, for making an assertion, which at the
 very utmost was rash and erroneous, because it did not aggravate the
 real guilt of *Columbanus*, I must observe, that all the proofs, which
 our author gives of the *impossibility* of his having known the purport
 of the Irish resolutions, are either perfect nonsense, or unworthy equi-
 vocation. I say no more for the present.

* From the singularity of this motto, has arisen, I presume, the
 common report, which, like all malicious reports, has gained credit in
 Ireland, that *Columbanus* indited his first homily to *his friend* in Ireland,
 under the new smarting of a repulse in his search after a vulgar
 dignity, commonly called a catholic bishopric. In general, no rule
 for interpreting the motives of violent men is more everlastingly true,
 than the *excusatio non petita*. But *Columbanus* is an exception to
 every rule and every principle. Were this even not the case, it is
 not improbable, that the province of selecting a motto was assigned
 to his printer by *Columbanus* in his hurry to publish. The motto in
 question has been, time out of mind, an item of typographical stock,
 like,

His introduction, of which it is impossible to abridge or to parody the singular composition, states, that he had submitted to certain wise men of England a letter from his friend, containing the account of Irish squabbles, and so forth, which appeared to *Columbanus* pregnant with *future* mischief: that, however, some other informer had got the start of him: that, although he knows not what any statesman may be planning, he is *free* to tell his correspondent, that England and Ireland *begin to be better known to each other*; that the monopoly of bishops and the ambition of clergymen have *provoked minute* inquiries into the state of the church; nay, politicians are beginning to *weigh in their scales many circumstances* regarding *marriages, dispensations, excommunications and parish dues*. *Columbanus*, like a brother statesman, forbears either to mention the *circumstances*, or name the politicians, who amuse themselves thus profoundly. He then praises the excellent temperament of the constitution, which permits neither *ins* nor *outs* to raise a *religious* cry; threatens the Irish squabblers with the interference of the justice of peace; is extremely sorry to be *compelled to acknowledge*, that our ecclesiastical manners are corrupt, and that the *Maynooth imperium*

is

like, *Si quid novisti rectius istis*, and, *Vox Populi vox Dei*. In the beginning of the last century, it was used as the title page apology for plays, either rejected by a manager, or damned in some minutes after the prologue.

in *imperio* has called forth the pity of *sober, antifanatical* statesmen, who are willing to *interpose* the salutary *restraints* of legal *responsibility*, as an *egis* of defence between the *liberties* of the *people* and the Maynooth *usurpation*. "The object," says he, "of the insidious *clamour*" against the *veto*, "is to *gild* the *pill* of ecclesiastical domination by giving it the *colour* of divine right, and to *consecrate* by a *sacred* name, one of the most *novel* and most *ungenerous* usurpations against the second order of clergy, the nobility and gentry, that *ever disgraced* a *christian country*." Then he tells the story of the solemn compact for *bequeathing* sees. He advises his countrymen not to be duped by the equivocating tricks of usurping bishops, nor by their fallacious promises, but to appeal to the protection of *law*; protests, that he does not appeal to the passions, because amongst *rational beings* truth is propagated only by persuasion; warns the nobility, gentry and clergy of Ireland not to *sacrifice lives and properties* in the prospect of a *crown of martyrdom*, which the bishops are so ready to *promise* for engaging in their cause, until a *national synod*, such as was held *anno domini* 1111, of fifty bishops, *three hundred priests*, *four thousand abbots and monks*, and the *chiefs of the Irish nation*, shall decide, whether we are to *believe* that bishops may *bequeath their sees like private property*. He conjures our bishops, by their *salvation*, to reform themselves

themselves in time, or else the people will *inflict* reform on them, in an angry way. The population is too great for the number of priests. Women *far gone in childbirth*, have been seen by *Columbanus* and by his correspondent to *fast* until *after* sunset, waiting for *older and more infirm people than themselves* to take the *sacrament first*.—I have applied to more than one, for an explanation of this complicated phenomenon, regarding the women *far gone in childbirth*. Hitherto none have been able to guess its drift.—Moreover, *Columbanus* assures us, that *murder and robbery* are increasing *in proportion* as private confession is *hurried over*.—What species of priests that can be, which so slightly examines and so hastily, as to skip over the *peccadillos* of *murder and rapine*, he keeps to himself, like a statesman.—He next *humbly* informs the bishops, that there is *not one instance* of bishops *electing* their successors. He informs the public, that *every* priest in Ireland is subject to be thrown on the wide world by the bishop, without any reason assigned, withdrawing his faculties. Again he conjures the *nation* not to be duped by the *hypocritical canting* of the bishops, but to *reform itself*, in union with the bishops, with charity for surrounding sects, and with *love* and *loyalty* for the unrivalled constitution. He praises the laborious parish priests, whom he had just before exhibited skipping over *murder and robbery*; and gives it as a *well known fact*, that men of the second order of the clergy, deserving of the highest stations,

stations for their learning and character, have been refused employment and *thrown upon the public* by the bishop, for reasons they will not tell out.

Thus have I given, as nearly as I could, the *ultimatum* of twenty-four pages. I do not presume to have represented the entire; because, I confess to have stepped across the groveling and sputtering of inarticulate fatuity, and to have chiefly noticed those passages, in which the idiot phrase swells up, by the aid of paroxysm, into distinct features of malignity. The remainder of his *introduction* consists of certain attempts at ridicule, and of bloody accusation against all the opposers of the Irish *Veto*. With regard to our bishops, *Columbanus* was not surprized at their opposition; "because," says he, "experience shews, that men are never so *artful* or "so *vindictive* in defence of just rights, as in defence "of *usurpation*." Again; "I do not wonder," writes *Columbanus*, "that the bigotry of *ignorance*, the "jealousy to England, the democracy of revolutionists, "and the principles of *rebellion* and *separation* have "coalesced against granting a *limited* negative. On "the contrary, *I foresaw*, that the most outrageous "and opposite passions would confederate to prevent "any and every interference, which might tend to "restrain the uncontrouled dominion of Maynooth "within the limits of *just* and *legal* and necessary "responsibility."* This conclusion he repeats again
and

*Columb. *ibid.* p. 25.

and again. Indeed it was his best weapon, and is his sole argument, now that we have disposed of his Arian kings, and Arabian canons, "venerated from pole to pole." "*Two descriptions of Irishmen*," says he elsewhere, "are hostile to a negative on the part of the civil power; the bishops and the *separatists* or revolutionists.* Both well know, that the negative has nothing to do with *Revelation*: that the *French protestants presented parish priests to catholic livings in France*. The *bishops* join in this uproar, in order to preserve their lordly and *unlimited* dominion," which is the "uncontrouled patronage of 200,000 pounds per annum,"† which

* Ibid. p. 109.

† Ibid. p. 5. I would not disgrace my text by admitting the following passage from Columb. letter IV. p. 89. "For the purpose of appointing their own successors they have resisted a limited negative on the part of the state, which, if it had been conceded, would have led to extensive arrangements in favour of the poor. One million of our peasantry might, ere now, have been emancipated from parish dues and cesses." Our author is, I allow, as perfect in *finances* as he is accomplished in the graver studies. Yet he has too flattering an opinion of our national credulity. Were the *Veto* to have any effect upon *parish dues and cesses*, it would have an effect quite contrary to that here alleged. But our *financier* omits some few vulgar difficulties to his project; namely, that if those *cesses* are removed from the poor, the relief must be effected through the medium of a *real* compensation to the clergy of the church established, or by an equivalent from the public money. In the former supposition, the landed proprietor, on whom the new burthen should alight, would naturally reprove himself

“ which a limited negative would restrain by the
 “ wholesome provisions of law. The revolutionists
 “ wish to foment religious discord, that they may
 “ work upon the enthusiasm of the population, as
 “ in the late rebellion.” These revolutionists he stiles
desperadoes.

Such is the modest language, and such is the conscientious testimony of a man, stiling himself a catholic priest. Such indeed we had reason to expect from the unnatural slanderer of bishops. The *revolutionists* opposed the Veto, says this man of blood, in order to keep the million under their control for the opportunity of a new rebellion. The *prelates* confederated with the *revolutionists*, in order to retain their usurped possession ; and both revolutionists and prelates affect to act from conscience, while they were acting against their conscience. The accusation is capital ; but where is the proof ? *Columbanus* has no proof but his own assertion. The zealot for ancient canons, which, as he tells us, “ requires a *written* allegation and proof, “ before a priest can be suspended,” deliberately
 charges

himself in a farther advance of his rents. In the latter supposition, the sum, raised by *taxation*, must come from the people, at the same time that the consequential relief, thus afforded to the lands, would be averaged between the *proprietor* and the peasant, at the very best. Nothing of what our financier throws out could be realized by the creation of new funds. Nothing could be effected, but by a communication of funds existing, and appropriated to objects exclusively anti-catholic.

charges *all* the catholic bishops in Ireland with abetting treasonable designs, and *all* the Irish catholics, who are capable of forming an opinion, with an imagination and purpose of rebellion; and this he presumes to do, on the sole strength of his face. He had *foreseen*, as he tells us, that such coalition between bishops and rebels would take place. It was, therefore, his duty, as a loyal wizard, to have apprized his wise men of England. Some weeks before the bishops had declined the Veto, I too had foreseen and *foretold*, that the *undertakers* of that measure, amongst ourselves, would avenge the discovery of their unimportance at home, by betaking themselves to murderous calumny. I think, that with the sole difference of English, I represented, by anticipation, the identical charges of this unhappy maniac. See Inquiry on the Veto, p. 76, 77.

In every particular, his assertion is as false, as his crimination is felonious. Neither *bishops* nor *catholics* of Ireland opposed a *Veto*, as *limited*; but as, of its nature, *unlimited* and destructive. Neither the *bishops*, nor the *catholics*, who opposed the *Veto*, knew, that it contained *nothing* against *revelation*; on the contrary, they were severally persuaded, that to admit such *Veto*, would be ruinous equally to revealed religion and to the hopes of freedom. Neither did they know, that *protestants did by law present parish priests in France*, until *Columbanus*, as king of France, settled that matter.

matter.* But they knew, that *catholics* in England cannot present to livings, which vest, *ipso facto*, in the universities, on conviction of popish recusancy. No principles of *separation* or of *rebellion* were advanced in opposition to the *Veto*; but sound, and constitutional principles, which *Columbanus* is incapable of understanding. No bishops opposed the *Veto*, for the sake of *appointing their successors*.

In January 1799, on the proposal of Lord Cornwallis, and under the impression that the Irish catholics, not only would be saved from the exterminating

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spirit,

* By the edict of Nantz, French protestant lords were secured in the possession of all their seignorial right and honours. From this it was inferred by some excellent lawyers, especially Dumoulin, who *died* a catholic, and Louet, that the right of advowson, being an honour, was also secured. The church of France never yielded to this assertion. In the troublesome times of Louis XIII., *three* cases were resolved by the parliament of Paris, in favour of collation by protestants; but this was done for the purpose of gaining over the chief heads of the party: in 1652, the king's ordinance declared against all protestant patronage. The protestants obtained an order of council, that they might be allowed to appoint catholic proxies. This order was not put in execution; and the bishops collated freely, until the infamous revocation of the edict of Nantz. What attempts may have been made by the deistical French parliament before the year 1789, I profess to know not; nor would any great moral support be derived from any precedent established by miscreants, who could resolve, that a priest was obliged to administer the eucharist, on serious request, to a man, who should ask it plainly and evidently from a principle of impiety and defiance.

spirit, which prowled and shrieked at our doors, but shortly would be admitted to the privileges of the constitution; ten Irish prelates, being trustees of Maynooth college, sent in to the Irish government a *contre projet* of capitulation, of which the very first article demonstrates, that their proposal was in answer to a preceding summons.* *Columbanus* denounces, in this proposal, the expressions, that "in the vacancy of a see, the clergy of the diocese are to re-commend, as usual, a candidate to the prelates of the episcopal province, who elect him, or any other they may think more worthy, by a majority of suffrages." But so estranged is the man from every visitation of common sense, that even in an instrument, rescinded, as this has been, by a greater authority than that which framed it, he fastens upon points either unexceptionable or praiseworthy, considering, that the project was in fact a capitulation, under the most terrific circumstances of alternative. *Columbanus*, alluding to the words, "recommended as usual," says,† that "this is the *first instance in Irish history*, "when the immemorial election and postulation of dean and chapter of a vacant diocese has been
 " called

* "At a meeting of the R. C. prelates assembled, &c. to deliberate on a proposal from government, of an independent provision for the R. C. clergy of Ireland, under certain regulations, not incompatible with their doctrine, discipline, or just principles."

† First letter, p. 121, 122, note.

“ called a recommendation: that, in no *public document*,
 “ would our bishops have ventured to arrogate the
 “ *election* to themselves.” It has seldom happened,
 that so much boldness and ignorance have been found
 together, as in this piece of criticism. First of all; the
 term, *recommendation*, was *not* misapplied to the so
 called capitular *election* and *postulation*; because
 neither before nor since the reformation has capitular
 election in Ireland been conclusive with the holy see.
 Secondly; the catholic bishops, in their resolutions of
 1808 and of 1810, applied the term, *recommendation*,
 to their own act of interference in favour of a candi-
 date; although it appears, they considered such *recom-
 mendation* as holding far greater weight than any
capitular election. Thirdly; in this very document
 the words, “as usual,” are added to the “recom-
 “ mendation,” whereby the chapters and diocesan
 clergy were left in the possession of whatever authority
 they had exercised until then, with this difference, that
 their application was to be made in the first instance
 to the provincial bishops. Fourth; these words, “the
 “ provincial bishops *elect* him, the person recom-
 “ mended by the clergy, or any other they may think
 “ more worthy,” are not, as our author supposes,
 declaratory of a generally established practice, but
 introductory of a new one, as appears both from the
 preamble, “the following regulations seem necessary,”
 as well as from the conclusion, “these regulations
 “ can.

“ can have no effect, &c.” Fifth; *Columbanus* either dissembles or forgets, that in the vacancy of a see, the practice had been, not only for the *chapter* to *elect pro forma*, but for all the clergy to *recommend*; and that as the practical importance of these several methods was similar, the word, *recommendation*, was fairly employed.

Columbanus gives some further specimens of reasoning on this topic. “ Let it be asked,” cries he, “ *was Doctor Troy elected to Ossory by the bishops of Leinster? Doctor Reilly by those of Ulster? Doctor Moylan by those of Munster? Doctor French by those of Connaught?*” The question to be asked was, whether those prelates had been appointed through *election* and *postulation* by *chapter*; and the answer would have been, *No*. Doctor Troy was in Rome, when appointed to Ossory. Doctor Reilly was translated to Armagh without *any* capitular election. Doctor Moylan had had the recommendation of all the provincial bishops and other prelates (in all two Metropolitans and twelve bishops), along with the recommendation of the great majority of the Diocesan clergy. Doctor French had *some* of the chapter and *some* of the clergy; but he, besides, had the recommendation of bishop Fallon his predecessor, and of five or six bishops. In conclusion, our author, under a *Be it remembered*, tells the public, that “ the *parish priests*, “ whom the ten bishops attempted thus *basely* to betray,

“ are

“are they, who feed, clothe and maintain, by their “voluntary contributions, those very bishops:” and he then makes his exit in this very affecting sentiment. “Englishmen! Irishmen! *nature* has united you by “vicinity, by commerce, by language, kindred and “interests.” How puny does the, “Reading and “writing comes by *nature*,” of Dogberry, the *man of acquirements* in the play, appear, when compared to this exquisite tenderness of brain! From this *natural unity* of Englishmen and Irishmen *Columbanus* is led to exhort them to “preserve to each other their *respective* rights;” on which condition he promises to them “a conquest over the tyrant of Europe.”

But how did those bishops *betray* the parish priests? Was it by allowing a *Veto*? No such thing. *Columbanus* insists on a *legal Veto*, and on *restraints* besides. Was it by not giving to the *parish priests* a right of *election* and *postulation*, which they never had enjoyed? Surely not. Was it by preventing the direct address of *recommendations* by parish priests to the holy see? But this could not be prevented by the bishops. The men in office of that day wanted to abridge, in future, the communication with the holy see, if it should be re-established. They wanted to hold inquisitorial power over the lives of episcopal candidates. For this end, they required, that *one* candidate only, should be recommended to their milling process at a time. It would have distracted them
from

from loftier cares, to watch or to work the grinding of our bishops elect, if the hopper were crowded with candidates. They would have the elective act completed, and the choice individualized, before the secretary's officer put on his spectacles, and widened his ears for *private* and loyal information from captains of yeomanry, clergymen of the church established, accomplished excisemen, grand jurors, petty jurors, tythe proctors and sextons. The sole question left to the bishops was, to decide, whether in a difference of choice, their own judgment or the recommendation of the clergy should preponderate. They decided, naturally and not unjustly, for the predominance of their own judgment, which had been in possession of that greater weight with the holy see. I must say further, that, unless they did so, they could not have introduced the stipulation for the clergy, a *body* of men, against which all the suspicion and rancour of those times were accumulated, and against whose *dangerous* influence, the propounders of the measure pretended, it was necessary to ensure the state. The express ground, on which those ten bishops proceeded, was the consideration of a *permanent* support for the catholic clergy at large. The express limitation of the admitted interference of the government was, that the latter should, as was just, be *satisfied of the loyalty* of episcopal candidates. The government was to inform the bishops of its objections to their choice: and the whole project was declared to *have no effect* without

without the sanction of the holy see, which the ten bishops promised to use *their endeavours to obtain*, as soon as might be. Here the matter dropped.

More than nine years after this project was handed in, it became apparent, that what had been conceded for ascertaining *loyalty*, was construed in a larger, and in a very different meaning: that the ten bishops had imagined, they were securing their religion against the possibility of reproach, but in reality had been giving a colour for supposing, that our catholic church polity might be subjected to protestant prerogative; that the *proper objections* to the candidate could not be defined, unless by the pleasure of the government itself, deciding through the medium of rival or unfavourable suggestion; that when once the wrenching crow of *church and state* had fixed its point in the centre of our system, it could not be dislodged. It would move and unsettle all, until it had either broken our church to pieces, or forced it to a surrender: because this lever would necessarily proceed to underwork our catholic system, until at least it gained the very corner stones, to which suspicion, jealousy and repeated experiments would conduct it. That, against this disorganizing process, the catholic church would have no possible defence, no rallying stand, no refuge of appeal; whereas the principle of *state expediency* must countervail, being once admitted, all remonstrance or protest in favour of our contrasted ordinances

ordinances and discipline: that, in fine, the political power could assume every thing, while the catholic impotence could resume nothing, could protect nothing, could justify nothing of its own. To the certainty of this process the whole history of compacts between *principle* and *strength* bears witness. But, in the case of the *Veto*, the very misapprehension of most liberal protestants was demonstrative proof. They explained the catholic project by referring it to their own ideas: they found in the document from the ten bishops an *unlimited* negative, *amounting to an absolute appointment*; they found his majesty become *virtual* head of our church; they found *papal influence* at an end; and this *Papal influence* was *catholic hierarchy*. What astonishment and sorrow took possession of the Irish Roman catholics, when the text and the comment were made known, I will not attempt to relate. I myself was a sharer in that public distress, and can, therefore, solemnly attest, that the very worst Irish catholic was sincere in abominating the *Veto*, from motives of conscience. Whatever *Columbanus* may prate of *jealousy* towards *England*; whatever may have been angrily said or published, at the time, against that supposed rapacity, which had promised redress as the consequence of *union*, and, eight years after, came to demand all, that still lingered at home, of Irish feeling, before it would discuss, whether redress were not *impracticable*; the aversion to the *Veto* would

not

not have been less, if England were *catholic*, or if a catholic king reigned in Ireland, and the *Veto* were demanded by that king. The sentiment was intimately joined with the religious constitution of Irish feeling; because the Irish, for centuries, had identified the comforts of religion with escape and with retirement from the inspection of Power. The very essence of Irish catholicity is, that it is a matter of choice, of predilection, and therefore of entire confidence. By tampering with this confidence, you leave *no* religion for the Irishman; and it is a problem of dreadful conjecture, whether the Irish mind would not acquire fatal energies by the subtraction of that, which at once softens and consoles its giantlike character. To think of binding the nation more firmly to the safety of the *established* church, by taking into political hands any leading strings of our catholic system, is a mistake proceeding from ignorance of fact. You may seize on those strings; you may pull away the system from the people; but the people you will not draw home into your hands. Give to the people a share in your social freedom; they will fight for the constitution as for their lives. Allow the people to retain their religious freedom; they will fight for you as for their souls. You will get back, in importance to the empire, a full value for that liberty you allow at home: that importance will give the durability to your establishment, which you

erroneously seek to obtain, by drying up a ready source of imperial glory, and of influence throughout the catholic world.

To return to 1808; all the catholic bishops in Ireland assembled and declared, as already mentioned; first; that, any alteration in the appointment of prelates would be inexpedient: second; that, the existing mode was *unimpeachable* and salutary: lastly; that they had always recommended, and would always recommend men, only of unspotted loyalty and of peaceable demeanour.

This declaration, so made by persons the most competent to decide on the subject, in a religious point of view, was given without explanations. Yet, in the absence of explicit motives, our sagacious author has discovered a coalition with the principles of *rebellion*. As to the *political* consequences of the celebrated *Veto*, they were laid before catholics and protestants, when as yet the bishops had not assembled. It was represented, that the attempt to gain a controul over our religion, as accompanying a measure of statutable redress, did necessarily indicate, that the redress, which was to be granted along with such controul obtained, would be the *last* redress for Irish catholics; for this general reason, that the *last* attempts of political warfare, and the last conclusions of political treaty, are made against or with the most sacred authorities of the weaker party. It was argued,
that

that in the catholic case, the assertion was palpable; because the catholic authorities of our religion being once neutralized, the medium, through which our grievances were the grievances of a *body*, would be nullified, and our future complaints of a degraded station, or of being allotted a base tenure of freedom, would not appear the conscientious dissent of an *order* of social men, but the obstinacy of a few, abetting the ignorance of the many. The many might be divided by art or by strife, in which supposition, the *catholic* cause would be said, without fear of refutation, to be the cause of *that* party, which declined to ask further redress; inasmuch as the *catholic* authorities had been rendered stationary, or captive. It was stated, that, as the controul over our church, if once gained would never be restored, the Irish catholics ought, if they valued their religion, to demand, that such controul should never be used for the overthrow of their profession. It was stated, that no mere statutable redress of social grievances would adequately secure the catholic profession from that overthrow; and that the only security was to be found in a guarantee by the constitution itself: that, as the constitution is now understood, any controul given to the civil power, or assumed by it over our church, has but one sense and one meaning, which negatives and excludes all *spiritual* jurisdiction, not emanating from an authority of its own creation: that, unless, in this respect, an exception of allowance for catholic profession were admitted

admitted and recognized within the constitution, or by some act or deed of durable and sovereign evidence, the smallest controul would necessarily travel to the greatest dominion; because the principle of interference had been granted, which the constitution, accepting in its own sense, would exercise, as its own property, towards Roman catholic, as towards *established* churches; towards the latter in protection, towards the former in estrangement.

It was argued, that every other method of securing the existence of catholic profession was impracticable; and although other methods should be at hand, yet they would be dangerous to the constitution, as sovereign protector and witness of all rights: they would perpetuate a distinctness in political duties, and would be liable to occasional usurpations on every side. The edict of Nantz gave to the French *protestants* other guarantees than those of the constitution. Those guarantees were the cause of greater exasperation. They established *hostility* in France under the name of adjustment, and through the mean of an indefinite armistice. The consequences were miserable, and the catastrophe was infamous. In Switzerland, the religious warfare was short. The cantons returned to their federal system. In Germany, the wars about religion were terminated by adjustments, but the guarantees were armed states. In the case of Irish catholics, it is required, not to give a separate independence, nor to establish a perpetual truce; but to reconcile the subjects to the constitution

constitution, and to enlarge the constitution, so that the subject may be bound to it by all the tendencies and sanctions of his *catholic* religion. These tendencies and sanctions are *catholic*; and, therefore, ought to be recognized, as the inviolable pledges of his attachment.

It was stated, moreover, that unless this recognition of catholic profession were granted, the most extensive redress, *by statute*, of the grievances of catholics would not tranquillize Ireland, nor amount, in feeling and value, to *total* emancipation. Because, notwithstanding such redress to the *nation*, the religious system would be sunk below that, not only of the established church of England, but also of that of Scotland, both of which are recognized and guaranteed by the *pacta conventa* of the union, and besides are dominant within their local spheres. The religion of the Irish catholics cannot dominate locally; nor can it demand support by compulsory means. Therefore, its rank would be none; and therefore its existence, at least, should be guaranteed. This security should precede all innovations upon the religious, or esteemed religious usages of catholics; because, when once granted, the party secured may conscientiously and honourably yield what otherwise he could not: because, this security, being the gift of the *constitution* to the catholic system, would equitably call for and justify a return of free but permanent tribute, from the latter to the former.

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It was also suggested, that the principle of the constitution, as last settled, abjured the idea of a political controul over the *national* religious system, by a chief magistrate adhering to a different religion: that the oath taken by Roman catholics, excludes, for evermore, all foreign pretensions to interference with the *temporal* rights or powers of the state: that the state, by proposing and by accepting this oath, has virtually distinguished that which catholics denominate *spiritual*, from that which they acknowledge to be *temporal*; and that consequently to *exact* further from catholics, would, by most protestants, and by many catholics, be considered a victory over the *catholic* system, and would be followed up as a victory over the religion itself.

It was said, that, supposing a *veto* to be used not adversely at the first, the idea of an *extraordinary influence*, belonging to the ministry of catholic worship, and on this ground alone claimed by and transferred to the sovereign executive, would become a chief source of jealousy for the other protestant churches; and for all the sects unfavourable to catholicism, as well as for sincere and rational adherents to constitutional freedom: that this jealousy would claim inspection over the executive *Veto*: that, this jealousy could not be slighted or opposed, nor could it be satisfied, unless by one or other of these following ways, or by both: that is to say, by diminishing the influence of the catholic religion *amongst catholics*, in order

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to disarm its supposed or pretended influence in the state: or, secondly, by submitting the interior and confidential polity of our christian system to the periodical, wanton and immodest curiosity of the lowest sectaries, whose ignorance would suspect, and whose antipathies would impeach, over and over again, each article of that polity, until our most venerable usages should shrink into inaction, rather than continue to expose themselves, like criminal things, to unsparing search and contemptuous accusation.

All these reasons were given to the protestants and catholics of Ireland, before the meeting of the bishops in 1808. Over and above, there were adduced many reasons to shew the iniquity, that would ensue from the proposal of 1799, and the wrong, which would be inflicted on our clergy, by the enforcement of that proposal. The arguments, which I have particularly adverted to, may be insufficient; but to protestants they did not appear *treasonable*, as our *Columbanus*, taught, I should presume, to utter his lesson, has miscalled them. The wise ones of the state dissembled those reasons, because what was inferred as *consequence*, had been already in premeditation as concomitant with their *Veto*; above all, because the recognition, asked and supplicated for by the tenor of that argument, could not be digested.

The *Veto* was put down in Ireland, as soon as publicly mentioned. But the passion for conquering the fortresses of our catholic association, was not discouraged
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by one failure. The project of 1799 was disallowed, in its *principle*, by the episcopal assembly of 1808; for, as to any practical subsistence or binding obligation, it was alike destitute of both, in the judgment of reasonable and honest men. The political design, for which the *Veto* had been calculated, came up in 1810, under the name of *arrangements*. The celebrated letter of Lord Grenville to the Earl of Fingall declared generally, that those arrangements were *complicated* and *extensive*; that, in *particular*, he had considered an *effectual Veto* on the appointment of our bishops, to be necessary at least in the substance, and that such had continued to be his persuasion since the epoch of union. As a sample of the stile, in which *arrangements* were to be conducted, there appeared, at the same time with that letter, the draft of a bill, as intended for relieving his majesty's catholic subjects of the united kingdom; in which draft, a *Veto* is proposed to be enacted, under the sanction of a *premunire*, and the *Veto* itself is unrestricted. The framing of this latter document is ascribed to a gentleman, whom, in justice to my own feelings, I will not name without a preface of respect. As a Roman catholic, I am his debtor for great services to the common cause: as having enjoyed formerly some portion of his acquaintance, I may declare my persuasion, that whatever be the line of his political movements, his course is shaped and influenced by

conscience

conscience. To return; Sir John Cox Hippisley, the framer of the draft in question, is author of a tract, entitled, "Substance of additional observations, &c. " in the debate on the catholic petition, 13th and " 14th May, 1805;" in which work, more justice is rendered to the catholic system, and greater generosity displayed, than ever had been attempted by a protestant; much more than latterly had been shewn by writers stiling themselves catholics. The professed intent of these *observations* was to repel certain calumnies, afterwards published in the shape of a grotesque harangue, as the speech of a Doctor Duigenan: but the performance went infinitely beyond the provocation. The catholic doctrines of spiritual supremacy, and episcopal mission; the rights of conscience, the purity and independence of catholic discipline, are stated with such integrity, are vindicated with such truth, are handled with such religious tenderness; nay, the expediency of cultivating a political intercourse with Rome is so frankly avowed, and the liberality and kindness of the late sovereign pontiff so gratefully and elegantly set forth, as must impress every reader with the author's worth; and, in every catholic, must have excited the same wish, as arose in me on perusing the argument, that the Hon. Baronet were employed as a conciliator near the holy see. To me such liberality appeared the more valuable, as, at the same time that a most sincere protestant was advocating the freedom of our hierarchy

from protestant *nomination*, attempts had been set on foot by some catholics to force their way to episcopal chairs, in opposition to our bishops, and through protestant intervention. I expressed my grateful feelings to the Hon. Baronet, and the acknowledgments, then made, I now confirm.

The circumstance of Lord Grenville's publication concurring in point of time with the appearance of the *premunire* draft, threw Irish catholics once more into a disagreeable amazement. Some cried out treachery; others questioned the authority of the latter document, and endeavoured to explain away the former. The bishops were importuned by the general voice to meet. The catholic committee referred his Lordship's letter to a sub-committee; which reported, that no reply was possible, but a general negative or a general concession: it was agreed, that the determination of the catholic prelates should be ascertained. The bishops were assembled after some delay. The catholic committee awaited the result, not without anxiety, but yet with decorum. In all the agitation of the public mind, in spite of foreign artifice, and notwithstanding a considerable variety of opinion, as to the practicability of conceding *somewhat*, the Irish committee preserved its attitude of *catholic*, and its magnanimity of deference to those authorities, which Irishmen obey, because they love them. Force they dread not, and slavery they
abhor;

abhor; but they are used to feel generously; to protect that, which has no defence but blushing, and to yield to that, which has no compulsion but reverence.

The resolutions of our prelates, of February 1810, are universally known, and have been already adverted to in this letter. Yet, as they establish a new age in the catholic question, I shall dwell upon those points, which seem to have been rather too little considered by the advocates of *arrangement* for securing their *church* and the *state*. I will take up the episcopal decisions in that order, which may best shew their application to previous, and then existing circumstances, as well as to supposed approaching danger.

1. The Irish bishops established, that is to say, they announced their undoubted right, under the law christian, of being the judges in doctrine and the enactors in general discipline. Whether, in proclaiming this necessary article of the polity founded by Christ, they but repulsed a novel attempt upon the good faith and old religion of Irishmen, or sought, as *Columbanus* teaches, to overawe discussion, because their *pretensions* must fall, if examined by the public; every man will be able to decide, from the foregoing pages of this work. Whether, by claiming their right, they gave any colour for those accusations, which *Columbanus* has piled up and cemented with venomous slaver, of *lust* of dominion, of *atrocious* motives, of hypocritical cajoling, of maintaining principles of faithbreaking and perjury; of continuing
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the foreign influenced *Rinuccini* system, that caused massacre of the protestants in 1641, and ended in the desolation of Ireland; of being men, from whom oaths of allegiance are *worse than' nugatory*; and of all the other crimes, presumptive enormities and blood-guiltiness, which that prodigal child of malice has uttered by wholesale; the man who thinks and who feels, be he catholic or be he protestant, will determine according to the rules of justice, and by the instincts of our common nature.

2. The bishops, taking notice of the *necessary Veto* of my Lord Grenville, declared their unalterable adherence to their resolutions of 1808. By this resolution, they not only confirmed the revocation of the partial resolution of the Ten in 1799; but seem to me to have meekly expostulated with the loose faith of those, who upon that pretended *ultimatum* of 1799, expressly saving *catholic doctrine, discipline and religious influence*, had, under ground and clandestinely, superstructed *extensive and complicated arrangements*, in derision of that faith, which civilized and christian men are bound to maintain, in all matters of treaty, or of preparatory compacts before a treaty.

3. But still, as in the project of 1799, the consideration of a *competent and properly secured support* to our catholic clergy had been taken notice of, and was not adverted to in the rescinding vote of 1808; the bishops assembled in 1810, thought it necessary to cut

up

up totally the plausible *consideration*. Accordingly, they voted, that they sought no earthly support, beyond that, which would be given voluntarily by their flocks: thus, at once, nationalizing, as far as was lawful, their authority, existence and influence; and, at the same time, refuting the suspicion cast upon them, even in parliament, that they lay in wait for regaining the endowments of the church established. Against this resolution, the forlorn effrontery of *Columbanus* has taken an exception. He has said, that the bishops, who depend *not* on the flock for subsistence, presumed to speak for the parish priests, who *are* dependent on their flocks. If the parish priests are dependent on their several flocks, as they are, by what privilege of imposture does *Columbanus* talk of *lay* patronage in *Ireland*; of the patronage of *Castlereau*, if any such parish there be, or of any other advowson; whereas patronage supposes a subsisting endowment? But, even in the fact, he is a false witness, as usual. Out of the prelates, who signed the resolution impeached by him, all but one, the catholic bishop in Cork, are depending on their parishes for their principal subsistence, as churchmen; and several, namely, those of the province of *Ulster*, are almost totally depending on their parishes and flocks. Again; the prelates did not speak for any but themselves. They knew, undoubtedly, that their subordinate parish priests, by accepting pensions, would forfeit the confidence
of

of the people. But they resolved not for any parish priest. They resolved for themselves; because, as prelates, they were called upon so to do, in the foremost place.

4. Whereas amongst the arguments, broached against the continuance of a papal influence in Ireland, an extreme supposition was urged at the time, namely, that the French emperor would compel Pius VII., by duress of captivity to resign, in order to the election of some creature devoted to French ambition; and, as the argument presupposed for the purpose a lasting hostility between the French and British empires; the bishops resolved, that Pius VII. should *not* resign, as to any effect upon the Irish church, until reinstated unequivocally in his freedom of assenting and dissenting. They resolved, that, if he should even die a prisoner at large, they would hold the see of Peter vacant, until they should have full and canonical proof of the free election of a successor; which election should also be made according to the canons. By this resolution they consulted two essential points; the one, of not innovating upon the spiritual prerogatives of the holy see, as by such innovation they would stand degraded before their colleagues throughout the Roman catholic world: the second, that, without presuming a necessity, they consulted for the case of extreme necessity; namely, the possibility of a suspension of intercourse with a future ostensible, yet questionable head of the Roman catholic church.

5. Lest

5. Lest this mention of a deprecated possibility should, in the mind of the Roman catholic churches, be deemed a preparation for schism, or the premeditation of an anticatholic national-church independence, they resolved and avowed the grand federative principle of christian communion to be everlasting; to be not repealable by human policy; to be unconnected with human animosities; to be independent of temporary warfare or temporary amity; to be auxiliary in the highest degree to native or sworn allegiance: though not liable to be enslaved by the passions of mankind, in their wars, truces, hatreds, or momentary reconciliation: because the peace of christians is the sabbath of that charity, which the Saviour bestowed.

6. Coming to the dreaded subject of catholic bishops appointed in Ireland by *a foreign influence*, they declared, that, during the seventeen years preceding, their concurrent recommendation of episcopal candidates had been advancing in importance; so that it substantively originated the choice of bishops, and was uniformly condescended to by the holy see, as directory: that this privileged recommendation rendered the appointment of our bishops *totally inaccessible to foreign influence*; that it was growing up into a usage of our discipline; that it was granted or yielded by the holy see, in honour to the zeal with which they, the bishops, maintained those two great and divinely founded principles, of allegiance to God
and

and of loyalty to the king: that thus, under the auspices of his majesty's tolerating spirit, the hierarchy of Ireland enjoyed a degree of independence, which raised it in the estimation of the catholic church, and brought back a tribute of glory to the empire.

It may be asked, what security is held out, by this resolution, against foreign political influence. It may be said, that our bishops merely declare a fact, or at most a *tolerated* practice. I answer, that, in declaring a *practice*, they have alleged a *title*, not compulsory, if you will, but yet sacred. I answer, that every security is held out by this resolution, which our bishops had it in their power to shew: lastly; that no *concordatum* on the appointment of *our* bishops could do more, without subverting the catholic religion, than herein is implied. The declaration is not merely of a *tolerated* practice: it is of a *privilege* conferred on express grounds. The *fact* is, that, during seventeen years, the holy see had yielded an entire trust, in the selection of episcopal candidates, to the catholic hierarchy, when agreeing; and this agreement, as we have seen, did not require a physical unanimity, but a concurrence of the many. The *reason* assigned for this important trust is, that our bishops were possessed of two titles; of catholic zeal, and conspicuous loyalty. These titles, therefore, were recognized by the holy see as *good in themselves*;

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as essentially meritorious towards itself and towards the catholic church; as principles to be guarded, inculcated and maintained by the Roman catholic churches in Ireland. Now, let us suppose that most desperate case, in which a pope shall be set up for the *ambitious designs* of the French emperor upon Great Britain. In truth, this man has expended very little of *spiritual* ammunition hitherto; nor does his warfare calculate on the philosophical process of compassing the overthrow of this kingdom, by singling out a pope, who shall single out a most confidential Irishman, without knowing him from Adam; which Irishman, being consecrated bishop, shall single out, from time to time, confidential priests. Then are these priests to single out parishioners for the same mystery: and thus, when the whisper has travelled down six generations, it is to end in a direful nothing at all. This theory of his *foreign influence* undervalues too much the stratagems, and rates too high the patience of the French warrior. He did not wait at the foot of the Alps, until its eternal snows dissolved into dew-drops, nor did he try to melt them with red-hot gimlets. He did not sit down by the river-side, until the Danube had run its channel dry; nor seek to hasten that event by tracing outlets with his finger. He perched above the clouds with the steep flight of the Alpine eagle, and rushed downwards with the crash of a mountain; he stepped across the great river, like a fiery apparition. His

tricks are the *stratagems* of Vesuvius; thunderbolts, and clamorous tempest, and consuming lava. So little does he count on papal influence, that he has restrained the pope: so little does he expect from religious opinion, that he has proclaimed force alone to be the sovereign of the world. Against this man all christian independence is arrayed; and yet, his fascinating influence over religion is seriously apprehended!

But let him have already gained a pope submissive; even zealous for his ambitious designs. First of all; this pope must give proof to the catholic church in Ireland, that he had been canonically elected. Next; he will be pleased to take notice of, and to accept the resolution in question; for, as to the matters of fact, it is incontestible. Then, let a catholic diocese become vacant, and our bishops have *recommended* the object of their choice. Will not the pope condescend, as his predecessors had done? Undoubtedly he will: because the relation of our bishops to the catholic church, as pastors, and to the state, as loyal subjects, remaining unchanged; and the double trust having been confided in them by the holy see, when that see was independent and unsuspected of bias; the attempt to change the practice would bring along with itself a detriment to his spiritual influence, by substituting in our church that, which would be questionable, for that which had been secure. Our bishops would remonstrate even to a freely elected pope.

pope. "We were trusted by your predecessors," they would say, "with the choice of *religious* men; we "were trusted by them with the choice of *unimpeachable* men. In the latter point, we were then *fit judges*: we are now *the best judges*. The catholic church approves of our holding the *religious* trust granted by popes: the state is secured and our ministry is sheltered by our continuing to hold the *social* trust. We are attached at the same time to the divine rights and honours of saint Peter: but we suggest, that, if even the practice had never been, your pastoral charity would rather introduce it for the common peace of the kingdom, whose subjects we are, than resume it under ~~our~~ circumstances so well known. We cannot trust the social faith of a candidate, whose demeanor is not trusted to our judgment." What will his holiness say in such a case? Why, truly, he will let things go on as usual. I have given to our bishops the language of humble remonstrance; because such language would be theirs, and because their reasons would be invincible in any shape of address.

7. But, even for the object of keeping up that successful title of *recommendation*, it was necessary, as I have said, that the bishops should preserve unchanged their relation to the catholic church; that they should not innovate upon the known discipline: much more; that they should not yield to innovations, having for their pretence, that dangers to the state were to be apprehended

apprehended from that discipline, and that the counterbalance of oaths and sacred promises were not enough to do away alarms, sincere or feigned, to which a distinctness of ecclesiastical polity might give occasion. By innovating, our church would surrender its continuity of life: by yielding to an innovation grounded on slander, our bishops would, as in the former supposition of their encroaching on the papal office, surrender their claim of orthodoxy, and that most important right of defending their usages, as those of an uncorrupted church. They would not be *proper in court*: they would entangle themselves in personal defence, instead of remaining *judges* in the catholic church. Upon this ground also, our bishops disallowed the idea of making episcopal elections determinable by chapters, or by chapters and metropolitans. Without going into the mischiefs of contested elections, and of secular interference to be apprehended from such a change; without touching on the unsuitableness of the project for Ireland, it was plain, that the bishops could not delegate their trust.

8. Of the *arrangements*, to which Lord Grenville's letter had alluded, the prelates, as they knew nothing, resolved nothing. Their being kept in ignorance, from the period of *union*, with regard to every tittle of those arrangements, was certainly depriving them of all human means of meeting the plan, whenever it might be produced, on equal terms, or on any
terms

terms of negociation. Yet our bishops declared, that, saving the essential point of catholic communion, of the catholic moral code, and of the necessary discipline and subordination, which frame the exterior constitution of our church, they require nothing; they are averse to no conciliation; thus, giving up and renouncing every idea, and hitting in full front every suspicion of their seeking temporal power or dominion, or that they are rivals to the churchmen of the establishment, in any matter which the state can bestow, or take away, or apportion.

9. To confirm their right of dissenting from any change of discipline, as affecting to secure the present establishments, the bishops rest upon the oath of allegiance taken, as well by other catholic subjects, as by themselves. Really, on this subject, the future times will not only do justice to their sentiment; but they will make merry with the infatuation of those, who *wished* to have *pledges* from the Irish catholics; and with the perverse tyranny of those, who alleged their necessity, as the previous condition of admittance to a free and most equitable constitution. The bishops declare, that the sole, paramount and exclusive right of all sovereignty, in temporal laws and civil establishments, belongs to the domestic authorities, now protestant, of the empire; that they have abjured, and that all Irish Roman catholics abjure, all interference, intermeddling, or right of interference, by or on the part of any foreign temporal or spiritual

spiritual power in this behalf: that this article is A POINT OF ROMAN CATHOLIC RELIGION IN IRELAND, not privately maintained, but authoritatively inculcated by them, the bishops; and, as such, is allowed by all the Roman catholic churches. To carry this assertion to the utmost point of evidence, those very same bishops, in the very same meeting, and in a circular letter to every dignitary and teacher in the Roman catholic church, re-assert this doctrine. They not only re-assert it, but they bind themselves by a most solemn, recorded oath, before their Redeemer, and in the presence of the dispersed council of the christian world, to uphold this doctrine to the spilling of their blood. They commit soul, and conscience, and catholic truth, and personal fame, and national honour, to God, and to the judgment of their peers, and to the tribunal of the world for good and for evil, on this single point. They give up their souls to condemnation, their persons to infamy, their catholic church to blasphemy, their loved native soil to a curse, if they shall not make good this oath. And yet pledges are called for by protestants, as *further securities.*

In the name of God, unless you want the catholic religion itself in pawn; unless you mean to set your foot on the great neck of the Roman catholic persuasion, what securities can be as high as the creed of our faith itself, against your alarms? We
have

have told you, and you must believe it, or never will you believe our oaths or actions, that we rank *our exclusion* of foreign influence, as to all interference with your establishments and legislation, along with our exclusion of murder and of sacrilege: that we associate this profession of loyalty with the commandments of our God; with the articles of our religion; that we inscribe it in our sanctuaries; that we remember it in our prayers. We hate, as Irishmen, foreign invasion, more than you, English, have ever been known to do. You warred on us, as on bad catholics, until Henry VIII., for grumbling against Peter-pence: you suspect us, under George III., of wishing to yield the independence of the state to a pope, who *may be* elected for the *may-be* designs of Bonaparte. If even such a pope were installed, if even a pope were to misuse his spiritual office, which we now do not think possible, we are prepared in heart to resist, and in tongue to refute the abomination. In truth, we have never loved the attempt of popes to bestow kingdoms. Ireland was secured by the Bull of an English pope to Henry II.; and *you* seem to be haunted by the furies of this original sin of your own.

Suppose, that we had abjured all foreign spiritual pre-eminence. Would you trust us to correspond in any case with a foreign country? Do you not trust *yourselves* in popish countries? Surely you do. But, what is your defence against the seduction of
foreign

foreign influence? The difference of religion, you will say, the love of country, the sense of independence, the possession of freedom. And which but the last of these motives is wanting in the case of Irish catholics? Not one. The catholic has motives besides yours. The honour of his religion; the perception of a distinctness, between spiritual and temporal power. The catholic has often lost power, and kept his *foreign* religion and his domestic allegiance at the same time. He has *retained* power and retained his *foreign* religion, while he excluded the foreign temporal influence, even of popes. But you, as far as I can learn, have so uniformly conjoined both, as to have adopted or rejected perpetually both together, until the reign of James II.; when you cast off your temporal allegiance to the prince, because his spiritual communion was out of the kingdom; and you received a *foreign* prince in defiance of your own religious independence. Our catholic religion, in all that regards your national independence and political establishments, is as safe and as trusty, as if we acknowledged no successor to Peter the Apostle. Our principles are more distinctly avowed with respect to you, than are your principles with regard to us. If any source of danger remains, if any temptations to treachery are still subsisting, that danger and those temptations are such, as catholic and protestant are equally liable to be
seduced

seduced by. If the temptations are not common, they must be directed chiefly to *your* passions and your pride. Yet, in such a case, we catholics are not entitled to demand any such securities from you; although we have no solemn nor sacred standard of your opinions with regard to us; although you neither plight your faith to our safety, nor your religion for our safe enjoyment of your good will. There is nothing that you, protestants, have bestowed or will bestow, but you may resume. What is given by statute, you can take back by law; what is lent by courtesy, you may reclaim by ill humour. Against your everlasting majorities in the legislature, against crown prerogative and church ascendancy, against the coalition of all sects not catholic, we shall hold, if emancipated, no security for the continuance of the grant itself, beyond the duration of one parliamentary session and one recess. Neither parliament, nor church can pledge itself to the permanency of our freedom. No single department of the state will suffer controul, or tolerate inspection by catholics. How then will you pretend to term an equal share of freedom, that sort of emancipation, which would stipulate for a despotic and inquisitorial controul over all our religious actions, after our principles had been allowed for honest?

No security can therefore be demanded before emancipation; or as a drawback on emancipation (if the benefit intended be equal freedom); beyond that

security, which the *religion* of Irish catholics has already yielded. No greater danger is possibly to be apprehended to the state from a religion excluding papal influence in every temporal matter, than from a religion excluding perpetually *all* papal influence whatsoever. This difference alone exists, and it is considerable, that a religion, like the catholic, cannot shift its boundaries, nor innovate upon its moral code without evident convulsion in the body, and manifest symptoms of distemper; whereas a system, barely resulting from domestic arrangement, and holding its authorities within its grasp, may, almost instantaneously, displace its leading principles, and yet be not inconsistent with itself.

From this review of those episcopal decisions, as far as they apply to political circumstances or possible dangers to the state, it has appeared, that our bishops refused nothing, which they can grant; that, what they declined conceding, would have been uselessly conceded to the state, and was necessary to be retained by them, for the very purpose of shutting out the *possibility of an abuse* of the papal authority. No statute of *premunire*, enacted by a protestant parliament, could have any other effect than the worst. Not to speak of the undistinguishing rigour of such a law, involving every gradation of acting in the peril of so great a punishment; not to dwell on the ominous conjunction of *premunire* with *catholic emancipation*, or on the paradox of inflicting such

such pains and such penalties, as are implied in the term *premunire*, upon a usage, hitherto rather beneficial, but most certainly innoxious, and by no means connected either with a proximate danger or with proximate guilt; what would such penal enactment intimate to the public foe? What sort of catholic and protestant reconciliation would it hold out to the world? There remains to be told one resolution more, which truth and justice oblige me to advert to. I mean the vote of thanks to bishop *Milner*, for opposing a pledge, agreed upon in an English-catholic meeting, but worded by illustrious protestant statesmen. Of that pledge, called in Ireland the 5th *English-catholic* resolution, I wish to say as little as possible. It gave either nothing or all to the *security* of the church established. With the respectable lay persons, who are said to have submitted to that pledge, I do not presume to intermeddle; in truth I know not who they are, nor shall I seek to know. I doubt not, they meant well in some sense or other. But Doctor *Milner* resisted the pledge on two grounds. He asked, that the determination of the Irish prelates, with regard to the *extensive and complicated arrangements*, should be waited for: again; he considered a lay assembly incompetent to stake the *catholic* system for an undefined change of *catholic* usage. Unluckily, the place and time were ill suited to his exertions. In the

the *oecumenical council* of the love feast, where solid gaiety and harmony and vocal music presided, it was scarce to be hoped, that arguments of a religious savour would go down. The bishop was not in unison with the symphonious liberality of the instruments, brandished by his lay brother-doctors of the church. He was invited to *sit down* while pleading. He persisted: he stood alone: he stood it out alone. However, the catholic bishops in Ireland, considering, that he had acted and suffered for them, as well as for the rights of the christian church, thought it just to efface the slight, which their colleague had experienced; by a deliberate testimony of honour: they **THANKED HIS APOSTOLICAL FIRMNESS**, in resisting the dangerous pledge. By this vote they recorded in their annals the name of **MILNER** along with their own constancy. They blessed a shamrock-wreath, and hung it around his trophies. Its leaf does not fall; its *catholic green* does not fade.

The declaration of our prelates was not unproductive of good. It manifested to catholics and to protestants, that the resolution of 1808, disallowing *Weto*, had not been extorted from the fears of those prelates. It shewed to protestants, that the existing members of our catholic hierarchy cherish, as well as adequately teach the divine precept of allegiance; that their repugnance to a new organization of our discipline is founded in honest, intelligible and conscientious argument; that, in short, it would be

harsh

harsh to exact, as a condition for the emancipating
 of catholics, that which it is not in the power of
 catholics to transfer, and which, if taken by violence,
 would leave them more abjectly enslaved than before.
 The *grand* Irish question shortly after was for the
 third time submitted to the legislature. Of our
 distinguished parliamentary advocates they, who per-
 sisted in wishing for a change, but whose humanity
 would not incline to compulsory *direct* methods
 against religious feeling, allowed our present bishops
 to be loyal men; they granted, that no danger is to
 be apprehended from *them*; but that there is still a
possibility of danger, against which it would be proper
 to guard the establishments in church and state;
 that the *spiritual magistracy*, i. e. the bishops of the
 Roman catholic persuasion, derive title from a
foreign authority; that the holder of this authority
 is now, and is likely to continue the vassal of the
 French; that *this foreign influence* and all *foreign*
influence should be perpetually excluded, before
 emancipation can with safety be condescended to.
 This reasoning, urged by our avowed patrons in the
 legislature, could not but produce considerable effect.
 It was a concession made by arbitrators, as it were,
 of our own choosing; it widened the field for suspi-
 cion; it terrified by a twilight display of undefined,
 unshapen, and thus more ugly horrors. It assumed
 the pride and the irritation of national independence
 along

along with existing hatreds to France, in aid of its boundless imagination of evil; and it stopped the power of reply, by standing on *its own fears*, as the immoveable basis of the question, and by avowing its fears to be infinite.

The Irish catholics were dismayed at the new impediment raised up against their claims: they felt surprise, that this perpetual exclusion of *foreign influence* should be staked as the *sine qua non* of emancipation, by their own cherished defenders. The catholics had abjured upon oath all foreign influence over the establishments, and all right from abroad of interfering in temporal laws, or national rights, or regal prerogative, or individual possession, within this united kingdom. What more did the newly broached principle, therefore, go to exclude? Undoubtedly something *not* temporal; something that had been enjoyed, either by law or by toleration, until then; perhaps more than *something*; perhaps ALL. In the distress of principle, occasioned by the unexpected intelligence, craft, not Irish craft, but soothing and *silly* and treacherous, was labouring to unsettle the understanding of our people, and to instigate discord between the bishops and their flocks. Since I am presently to defend my own conduct on the question, against the *legal* knowledge, the *dialectical* prowess, the *veracious* evidence and the sweet benignity of our arch-canonist of Toledo, I

own,

own, that, for my part, I lost all temper with the *excluding* projectors. Have Irish catholics forgotten Clare? They have not, I fancy; so it would be needless for a catholic to describe him. As to the liberality of his politics, the loftiness of his moral instinct, and the usual elegance of his revenge, there is, I know, a difference of opinion. The people has voted on one side; but Clare's eloquent *funeral sermon* has *voted* differently. One instance, however, will determine his Lordship's philanthropy in matters of conscience. James II., said he, was expelled the throne for the *nonsense of toleration*. Such was Lord Clare's avowed idea of the *glorious revolution*, and of its comforts for the oppressed. This sentiment, as I can best recollect, was divulged in a speech of reply to MOIRA, whose genius, like the farewell visit of angelical ministry, had descended to the gloom, and Babel, and blasphemous howling of Irish ascendancy politics, and there interceded in vain; as he would have vainly interceded with the damned spirits, in the behalf of equal justice, and of divine clemency. MOIRA was scouted, and most deservedly. For what business had *Cato* to intrude upon Floral games; or MOIRA on the domes-day session? He was answered with upstart insolence; with the NONSENSE of *toleration*; and he decorously retired. The oracle of law had been already gagged: the appeal to *nolle* feelings was then a mockery: the altar of mercy was about to be kicked down: free quarters, scourgings, stranglings

stranglings were ready to succeed: orange yeomen (whom, rashly, I once named the *exterminators of the people*, but whom, now, under the criticism of terror, I will salute as the *redeemers of the people*; although, I think, Lord CORNWALLIS disbanded two-and-twenty of their companies by one dash of his pen; although the case of Woollaghan is still tingling in my ears); these *redeemers of the people*, and along with these redeemers, the murderers of old men, the ravishers of children, the outlaws from human nature, the house-breakers, chapel-burners, robbers and torturers were about to break loose. What business had MOIRA, what business had honour and disdainful abhorrence of villains, in a murderous low drama? Yet what did CLARE say at that time? "Let the papists renounce *foreign jurisdiction*, and *they can be as free as protestants*." Thus spoke CLARE, at the very time he thought our tutelary deity, HENRY GRATTAN, was held fast in the toils of death; when the object of our worship was pursued, not with bloodhounds cased in armour, as our ancient patriots had been hunted, but with felons cased in privilege. Could it have been thought, that eleven years after this, HENRY GRATTAN would insist, not as an enemy, but as a chief advocate; not on the *renouncing of foreign jurisdiction*, but on the *perpetual exclusion of foreign influence*, which is *catholic religion*, as the necessary condition of catholic freedom

freedom? But GRATTAN did not mean to abridge the *freedom of conscience*, of which he has been uniformly the champion, even in times of infamy. He spoke under the delusion practised upon him by those who have made *Columbanus* their unhappy organ. These men continue barbarously to ascribe to our *Religion* those abuses which it has abjured.

At a meeting of catholics, held July 1810, I presented myself, on the summons of friendship, and without a minute's notice. I then and there alluded to the objection of *foreign influence*, and being urged by my countrymen, I delivered what reason suggested and indignation wrung from me. I displeased some; but I broke the ice, and I dissected the enigmatical suspicion,

Columbanus has sent to the English market of intellectual dead stock, his *refutation* of my arguments in that catholic meeting; he informs his herd of *virtuosi* beyond the water, that all my reasoning consisted in the following *argument*. "Every argument, which applies to the exclusion of *foreign influence* in the *nomination of bishops*, applies equally to *confession* and to every article of the catholic *faith*." "The orator," writes *Columbanus*, "exulting in this *magnificent* argument, *una magnifica*, appeals to the chairman, whether it does not put an end to further inquiry!"*

4 0

Such,

* *Columb.* second letter, p. 9.

Such, Reverend Sir, was the *one magnificent* argument, the *una magnifica*, as it *has been* termed, I know not whence or wherefore, if I may believe the scrupulous *veracity* of *Columbanus*, rather than my own recollection of what I said; rather than *your* remembrance of what you heard me speak in the presence of several hundred men; rather than the published accounts of that argument. I will not expostulate with this gentleman, until I have given you his *refutation* of the *one magnificent* argument.

Columbanus protests, that "he would hardly have supposed, that Doctor Duigenan himself would have ventured to degrade the *Religion of our ancestors*, by thus identifying it with *foreign intrigues* and the *PROFLIGACY* of an *Italian court*! that, until the 12th century, no *foreign influence* in the nomination of our bishops was *heard of*, either by our clergy or by our *kings*; and yet the catholic Religion had existed in Ireland and produced *more saints*, than it has done since." *Columbanus* "little expected, that any Irishman would have ventured to say, that the catholic Religion can *no longer exist without the interference of a Rinuccini*, who dared to *imprison our nobility and gentry* in 1646, because *they had agreed to an honourable peace with the king*: or without the interference of a *Castabala*, who in 1810 dares to inform us," that, "he and the exclusive Doctors, the *foreign influenced bishops*"

" of

“ of Ireland, have decreed, that Ireland *shall not*
 “ *enjoy* the liberties of the Gallican church!!” *Columbanus* informs us, that “ *this* was the language
 “ which Pandolf used, when he compelled king
 “ John to appear *bareheaded* before him, and to
 “ resign his crown to the Pope, to lay *that crown* at
 “ his (Pandolf’s) feet, and then, *after keeping that*
 “ *crown* for some days *in his custody, to receive it,*
 “ in the same humiliating *attitude*, on the ignominious
 “ *condition* of a *feudal* vassal, and a yearly *rent*.”*

This inimitable piece of good manners, good faith and good English is but the prologue to his legal demonstration. “ *Our catholic statesmen,*” says *Columbanus*, “ *who enacted laws against foreign influence,* never objected to *confession* or to any article
 “ of *catholic faith*; but they prohibited, under penalty of confiscation and *death*, the suing for, or
 “ obtaining from the *court* of Rome *archbishoprics,*
 “ *bishoprics, deaneries, archdeaconries, &c.* (this statute against *provisors* is as old as the 25th Edward
 “ I., for it is recited in the preamble of the 25th of
 “ Edward III., and there *stated* to have never been
 “ defeated or annulled.) They enacted, 38 Edward
 “ III., that any person, passing over the sea or sending out of the realm to provide for himself a
 “ benefice within the realm, should be out of the
 “ King’s protection, and the benefice void: ~~that if~~
 “ any

* *Columb. No. 2. p. 11. &c.*

" any person, 12 Richard II., accept of any benefice
 " contrary to the statute 25 of Edward III., he shall
 " remain banished for life; his lands and goods for-
 " feited to the king: they enacted, 13 Richard II.,
 " that if any man *bring* or *send*, &c. any summons,
 " sentence of excommunication, &c. against any person
 " for motion or execution of the statute of provisors
 " of 27 Edward III., he shall be imprisoned, forfeit
 " all his goods, and moreover incur the *pain of life*."

These important law-discoveries our author gives us
 to understand *may be seen* in the *statutes at large*,
 printed London 1618, and in *Cay's abridgment*, Lon-
 don 1739. However he "does not flatter himself
 " in the hope, that such arguments, *however conclusive*,
 " and though derived from *catholic* acts of parlia-
 " ment, will be deemed *conclusive* with *certain*
 " orators, who, *to his knowledge*, look with a *wishful*
 " eye to a federal union with their brethren beyond
 " the Atlantic."*

I thank the immodesty of *Columbanus*, which has
 prompted him to grapple with that *orator*, who wish-
 fully looks to a federal union with his brother *orators*,
 beyond the Atlantic. I thank the heart of *Columba-
 nus*, which, as from the lips of a *catholic priest*, could
 have thrown out a slander affecting *life*. I thank that
 incapacity, by which he has been whipped on to cross
 my path. In the laughable etiquette of precedence,

I confess

* *Columb. No. 2. p. 13.*

I confess myself at a loss, whether I should compliment first his impregnability of face, or of heart, or of head. I therefore consolidate his three prerogatives in and by one greeting, and declare *Columbanus* the ornament of human nature, as long as truth, candour, genius, benevolence and learning shall be held precious. I remit all observations on his unacquaintance with the history of the English laws against *provisors*; with his statute of 25 Edward I, because even Coke fell into that mistake,* since then frequently copied; with his 25th Edward III., which is antedated by twelve years; I forgive his suppression of truth, when he quotes the twelfth of Richard II., making it felony *of death* to bring in monitions, and fails to add, that the capital punishment was changed, in the 16th of the same king, to the elder penalty of *premunire*.

I will allow his statute texts for accurate in matter and in form, but I must say, that in every assertion, in every syllable, whether stating the *one magnificent*, or in refuting the *one argument*, *Columbanus* has
betrayed

* In the preface to his 5th Report. However, after the citation by P. Parsons, and notwithstanding his sulkiness in the preface to his 6th report, he retracted his error built on the greatly suspicious preamble of the first act of Edward III.; and in his commentary 2 inst. on the statute of Carlisle, p. 580, he restored the true year, namely, the 35th, which was the last of that king, and the *third* of Clement V., who first reserved *bishoprics* by *provision*, of which bishoprics, by the bye, no mention is made, nor could by possibility have been made in the statute of Edward I.

betrayed himself to be the same wise and honest creature as heretofore. By *foreign influence* I did not mean the *nomination of bishops* by the pope. I had previously shewn to the palpable sense of every man, that, whereas the *possibility of danger* was the ground for the *exclusion of foreign influence*, and as the *possible danger* regards the establishments in *Church* as well as in *State*; that, as the practice of catholics was set aside by the argument, the *possibility of danger* would have no standard but the suspicion of *Church* and the suspicion of *State*. I next demonstrated that, if even the papal office were abolished; that, supposing our catholic bishops and priesthood abolished, the *foreign influence*, as to every purpose of *suspicion*, would still remain; because that *influence* is the *force of opinion*, collected into a system, authoritatively impugning the religious system of the *established Church*, to which Church the regal prerogative must be auxiliary, in all that concerns its safety or supposed safety.

I brought the instance of *confession*, amongst other instances. I shewed, that as *foreign influence* is resolved into *catholic influence*, and as this must be an object of suspicion, wherever it holds a *confidence* inaccessible to Church or to State, but yet obtains as a *catholic* principle of association; this *confession* would be liable to the utmost *possibility of danger*, in the suspicion of both establishments: if defended as a
catholic

catholic usage, that is to say, as a usage, which assimilated our *home* practices with *foreign* practices, because *foreign* practice must be a rule for us; *confession*, would necessarily become a *treasonable* nuisance with the *possibility* men. It would, at the very best, be inspected and circumscribed, and even by this mean, would inevitably be discontinued and destroyed. This I proved from the obvious instance of the church of England, which, though confessing the power of the keys, could never succeed in reviving the practice, when once deprived of its privilege of inviolable secrecy. After *confession*, I shewed, that our EUCHARIST should be withdrawn; because our doctrine regarding that mystery stands in extreme and irreconcilable opposition to the established doctrine, and at the same time in most intimate alliance of practice and identity of reverence with *foreign* churches.

Again; I shewed, that the *nationalizing* of a church, towards a political change, is an introductory and unequivocal step to the destruction of the polity of that given church. When Henry VIII. resolved to make himself supreme head *in the earth* of the church of England, he proceeded exactly as the *exclusive* men would have us to proceed. First of all, he declared the Church of England to be as learned and capable, as any other church existing; and he enacted, that the *body of the English clergy* should be paramount in all
spiritual

spiritual things, *without the intermeddling of any exterior (i. e. foreign) person or persons.* This is most literally the step, to which catholics were invited in 1810, and to take which they are summoned by the good *Columbanus*. The second step of Henry was to transfer the supremacy over this *independent* Church to Thomas Cranmer, Archbishop of Canterbury: the last process was to have *himself* declared supreme head of the *independent* English church, and to make his bishops and beneficiaries to account for the arrears of those *annates* and *first fruits*, by the abolition of which, as of papal exactions, he had lured these covetous and unworthy churchmen to surrender their principles. The ecclesiastical revolution was completed within three years; from the 24th to the 26th of that king's reign.

I touched also on the principle itself, which Henry VIII. employed. If once it be granted, that, in order to throw more elements of power into the hands of a local despot, the communication between a society, founded on reciprocal and wide intercourse, may be broken up in its generally known rules of subordination; it must be granted, that no part, no fractional denomination of that society can plead its own usages, built on that anterior law of intercourse, against political jealousy. Now, political jealousy, as it is conscious of being hated by, and opposed to every rite, gesture, word and association of ideas, super-structured on that confederation of mind, which it is
anxious

anxious to obliterate, will examine, watch, subjugate and disfigure every trace of external correspondence, and every germ of reconciliation in future. It will assault the morals, because they are the result of inveterate education under those hated social rules; it will debase or force the manners, which are the result of the morals, acting through the medium of sympathies more or less cultivated; it will lighten the society, over which it rules, of the burden of all those duties, which had served as links, to connect a widely disseminated association. It will give a visionary freedom in this respect; whereas, in truth, it will have neutralized the feelings of general charity, which rendered the burthen light; and will have usurped for itself all the interest and all the capital, that had been expended upon those duties.

In fact, if once we allow that the enjoyment of any right is to be bounded by an arbitrary suspicion, without any other existing cause, but a fear of *possible* abuse, although the *use* of that right has been fully ascertained; we shall not have a single right left us. Instead of laws of *punishment* for the abuse of freedom, we must have *preventive* laws to confine its use; that is to say, we must be *punished* beforehand, lest we should hereafter deserve punishment.

I shall now recall you to *Columbanus*, and to his statement of the one *magnificent*. First; it is false, that I asserted, that "every argument, which applies
" to the exclusion of *foreign nomination of bishops*,

“applies equally to the exclusion of *confession* and of every article of the catholic faith.” This is gross and notorious perversion. I argued, that, if the *possibility of danger* to protestant church and state be a justification of the perpetual exclusion of *foreign influence*, notwithstanding the evident fact, that no mischief from that *foreign influence* exists; if the *security* of the establishments is to be assayed by apprehensions of danger from *foreign influence*, and if this *foreign influence* does really consist, as demonstrated, not in *papal influence*, but in that which upholds *papal influence*, namely, in the federative polity of *catholic* religion; there is no argument of *possible danger*, which, *after* the exclusion of *papal influence* as *foreign*, might not be applied to *confession* as *catholic*, and to every part of our religious system, which we would continue to hold, as *catholic*; that is to say, as entertained by us, under the authority and influence of the *foreign* world. I argued, that *suspicion* would multiply itself in the same proportion as our *catholic* articles would be diminished: that our *catholicism*, if reduced to *one* article, would more prominently shew the *continuity* of *foreign* and domestic opinion, in *contradiction* to the opinions of the *established* system: that the *one* article still adhered to, as *catholic*, would be considered by the fearful, as a brief and efficacious watch-word against their *establishments*, and by the *catholic* world would be noted

as the signal of distress, and the intimation of constancy, notwithstanding an apparent estrangement. From which I concluded, that the *possibility of danger* is not a principle, through the medium of which the *foreign influence* should be viewed.

So far, as to the argument, which I stated, and which *Columbanus* mutilates, that he may shape it for his reply. Observe now the splendid *refutation*. *Columbanus* "did not think it possible that any Irish-man would have degraded the religion of our ancestors, by *identifying* it with the *intrigues of foreigners* and the *profligacy of an Italian court*!" To what description of readers, to what class of lunatics is this wicked trash addressed? By what operation did the man extract, even from his own false quoting, a wish in me to *identify* the religion of the ancient Irish with *intrigues of foreigners*, or with *profligacy of Italian courts*? When I spoke on the question, no *Italian court* subsisted. If *Columbanus* mean Rome by that *Italian court*, the court of Rome had been overthrown, and the father of the catholic church, Pius VII., had been made captive a whole year before my argument was uttered. I sought indeed to *identify* the *foreign influence* with the exterior force of catholic opinion. I sought to abstract it from court influence on every side. All courts, for our author, may be receptacles of purity, saving the court of a pope, when the pope has nothing to bestow:

stow: yet, if *Columbanus* were accessible to the touch or the rebuke of decent shame, it might be an act of kindness to remind him, that he has inconsiderately heaped upon himself a thousand suspicions of bad purpose, by his monotonous growl and cynical irreverence, whenever he either stumbles upon or drags into his text the church of Rome, and its sovereign bishops. In order to justify *resistance* to authority, the opinion of social men does always require, that the resistance be not indiscriminate; that, in short, the adversary of *legal* command be not a highway-man by trade. In order to prevent the scandal of irreligion, arising from a marked dislike and undervalue for the possessors of *sacred* authority, the sentiment of *christians* exacts, that either singular unworthiness shall be proved against the man holding that authority, or great consistency of *austere* virtue be preserved by the censor. When, therefore, christians detect an author, holding truce with all vices, but the *vice* of subsisting authority in the catholic church; when they observe him grinning to every protestant English prejudice; crouching to every excess and insolence, miscalled ascendancy; deifying obscure wealthy men, as models of perfection, and as beings, whom the world looks up to as its last hope; when they catch an author so devout and so toilsome in pacing the mill-round of adulation, yet so stout and soldierly in outraging helpless men, in reviling persecuted men, in exercising ostentatious
brutality

brutality towards a fettered pope, and towards a defenceless hierarchy in Ireland; when they find this same author alternately borrowing the licensee of a wagtail parasite, and the prerogative of a butchering enthusiast; the conclusion they naturally draw is this; that the character of the zealot is made up of constitutional malice, of petulant cowardice, of ungenerous pride, of raging ambition, using the ministry of blighted intellect, under the sign-post of an unblushing visor. The judgment may be most erroneous in the single instance of our unknown author; but the rule is of immemorial, and sagacious, and salutary feeling.

Shall I detain you with animadverting on the other inference of *Columbanus*, as if I had said, "that the catholic religion wanted the *interference of a Rimucini*, who imprisoned Irish nobility in 1646, for the crime of having made a peace with their king? Shall I dishonour MILNER and our bishops by taking notice of his maniacal slanders; or shall I stop to laugh at his *language of Pandolf*, and his anecdote of John appearing *bareheaded* before Pandolph; at his calculation of the relative *productiveness* of Ireland in *saints*, before and since the 12th century? No, surely. Let *Columbanus* enjoy the satisfaction of taking back this garbage, as he sent it to market. I must come to his *lawyership*, his *jure divino* learning in the statutes, which may be seen in the statutes at large.

Our

"Our *catholic* statesmen," he tells us, "did not object to *confession*, nor to any other article of *catholic* faith." Granted, that his statesmen, if *catholic*, did not object to articles of *catholic* faith. Yet, argues *Columbanus*, catholic statesmen enacted high penalties, even of life, against persons procuring from Rome ecclesiastical dignities and benefices. If they did so, it was not because they entertained a jealousy of the *catholic* religion; it was not because they dreaded its *foreign influence*. It was not upon any such ground, as the exclusion of *foreign influence* is now built upon by our protestant statesmen. The *catholic* statesmen of old recognized the catholic religion, as fundamental in the kingdom. The modern protestant statesmen of *Columbanus* recognize an *opposite* establishment as fundamental; to the fears of which *opposite* establishment the mode and measure of *exclusive* laws must conform. The enactments of *catholic* statesmen could not, as such, go to destroy the catholic religion of the then state. The enactments of protestant statesmen, on the principle of general exclusion, must go to destroy our catholic religion, if this religion should survive on the continent. Our author, when next he is pleased to lecture in statutes, will vouchsafe to bear in mind, that *Cay's abridgement* does not teach common sense.

But did those *catholic* statutes go on the mere *possibility of danger*? Did they ground themselves on any principle of excluding that spiritual influence,
which

which Irish catholics ascribe to the holy see? Certainly not. They left to the pope the confirmations of archbishops and bishops, dispensations, appeals from all ecclesiastical judgments; even the decision upon contested episcopal elections in the first instance. What did those statutes assume as facts, as intolerable grievances? That visitors of monasteries, coming from beyond the seas, assessed those religious houses so as beggar them, sent the money away and disappointed the intentions of the founders of those houses, by stopping obits, anniversaries, choir-service and hospitality. I cannot well imagine a more provoking grievance than this single one, against which the statute of Carlisle was made; yet that statute expressly saves the privilege of foreign visitors to *inspect* and *order* the discipline of their monasteries, provided they assess them with *moderate* sums for defraying their visitation. What else did those statutes assume for facts, and, what is more, for *innovations* on the immemorial *catholic* usages of the English? That English bishops were created cardinals, then summoned by the court of Rome, whither the revenues must follow; that the king's council of state was thus deprived of its prelates; that aliens without number, and absentees, were provided by the holy see with English dignities and benefices, even those with cure of souls; that heavy and exhausting *pensions* to foreigners were imposed on bishoprics and deaneries by provision. These were material grievances,

not

not *possibilities* of detriment. That the spiritual mischiefs resulting from such innovations were exaggerated, is more than probable; that a real temporal loss and prejudice had been incurred, is beyond a question; and upon the most catholic principles I hope it may be said, and, as an Irish catholic, I am free to say, that if the temporal powers re-acted with too severe a punishment against the abettors of this innovation, professing at the same time their attachment to the spiritual rights of the pope, I have no right to dictate upon the peculiar *feelings* of a legislature, in vindicating a real affront. I will only look to the consequences of that severity, when enacted into a perpetual law.

In the first resistance to *provisors*, the cause of the nation was most just, from the things alleged by the nation itself. Those *spiritual* benefices had been richly endowed, and established in secular authority. The bishops, and the more modern abbots, at that time, were holders by military tenure. The bishops and the chief abbots made up more than one third of the upper house of parliament. It was just, I am convinced, in the catholic king and catholic legislature to resist invasion of temporal right, although the instances should be few, if yet the principle of invasion were avowed. The *catholic* nation and the king expostulated often and feelingly with the holy see. The popes remitted early the intermeddling with

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lay patronage; and if, in the latter years of Edward III., that pretension was revived, it must have been, in reality, in cases of lapse, by the resistance of English bishops to the presentations of Wickliffite patrons. It must beside have galled the national spirit, that Clement V., a Frenchman, was the introducer of reservations of bishoprics; and that the pensions on English benefices were intended for natives of France. When the great schism arose in the time of Urban VII., the antagonist popes were compelled to drive the new pretension to extremes: they had each the burden of keeping up a court and subsidizing friends. The statute of *premunire*, bearing date the 25th Edward III., was not put in use, and most probably was not enacted until the 38th of the same king. It was varied to greater severity by Richard II., and then mitigated. It was revived in appearance by Henry IV., but shortly after reduced to a dead letter by his general licences to take *provisions* from beyond the seas. After the destruction of the grand schism, the pope did still *provide*, until the time of Henry VII., notwithstanding the statutes. Here I stop, in order to make some observations.

First of all, I do not find, that the prerogative writ of *premunire* was ever enforced in the case of *episcopal* elections, until Henry VIII. From this I infer, that, in spite of the *catholic* enactments of the *catholic* statesmen of Columbanus, the severity of the punishment,

in that chiefest case, did not accord with the genius of the Roman catholic religion.

Secondly, I find, that, by virtue of this tremendous engine, Henry VIII. made himself head of the church, and Elizabeth established the reformed religion.

Thirdly, that, whereas the object of the statute against *provisors* was in the *first instance*, to secure the freedom of *episcopal elections*; although this freedom was the prominent article of the two great Charters, and of the coronation oath; although it was sworn to by Edward III., *after* the enactment of *premunire*, with a solemn addition, that he would not *interfere* with elections, unless in aid of that *freedom*; yet the consequence of the excessive penalty was no other, than to reduce all that same *freedom* into a good understanding, *without a treaty*, between the pope and the king. Whenever the chapters nominated a person, *not* a favourite, the king, either by himself, or through the minority of electors, contested the choice: the *appeal* went to Rome; which device the *premunire* statute had countenanced: the pope *confirmed* the king's choice, and, in return, the pope occasionally was allowed to *provide* without any election.* In either case, the *freedom* was a nullity, because neither against the *king's* choice could the statute be appealed to,
nor

* The instances of mutual concession are given by Harpsfield in his incomparable history of the English church. Ages 14 and 15. See especially p. 512. marginal numb. 41.

nor could the *pope* be appealed from, in the papal judicature. The distinction of powers lay in this; that the authority of the pope depended, for its exercise, on the pleasure of the king. For the king had *premunire*; the pope had *excommunication*: but *premunire* intercepted this latter, when the *king* did not call for it.

These reflections would alone suffice to exemplify what I asserted in the *catholic meeting* of 1810, that to *nationalize* any portion of the catholic church, by permanent laws of grievous penalty and of new impression, is to translate the centre of attraction in that church, and to destroy eventually its catholicity.

It is also worthy of notice, that the *catholic* bishops of those times, although zealous and loud in complaining of the oppressions resulting from the abuses of *provisors*, yet never did concur in the severe remedies devised. They declared against carrying away the national treasure; against impoverishing the church; against four-fold and five-fold translations of a bishop; against depriving the king of his counsellors: but they protested in favour of the spiritual right *generally* abiding in the holy see. The *catholic* church of England did not agree with the *catholic* statesmen, in those *catholic* acts of parliament, as *Columbanus* terms them.

I quit this subject with two observations more, which are personal, as between me and *Columbanus*.
This

This gentleman *refutes* my *one magnificent* by quoting the statutes of *premunire*. Now, it happens, that I too mentioned those statutes so far, as to advert to the consequences of securing the established church and state by such a remedy, against *possible danger*. If *Columbanus* was aware of this, when he trumped up his *refutation*, I can account for the trick of his omission, by the singular vanity of the man: but I cannot account for the immoral resource of charging the orator with disaffection to his natural government, unless by referring it to his general character, herein before ascertained. I will not select epithets, though at hand, for denoting that *character*, which alone can explain an outrage of such bloody die.

Answer: I cannot but reproach *Columbanus*, if a *scholar*, with dissembling the *fact* of that, which I stated as *theory*, regarding *confession*. I did not argue from the great *existing* suspicions against *confession*: I threw it into the mass of catholic principles; and drew it forth, because its *secrecy* gave an illustrative parallel to the mysterious *possibility* of danger. With what good faith did *Columbanus* suggest a similitude between ancient catholic statesmen, *not* objecting to *confession*, and modern *protestant* statesmen, who *do* object to *confession*? Was he ignorant, that the Irish catholics are forced to swear to a long declaration, in which king-killing doctrine and the *unconditional* pardon of sins in *confession* are equally abjured? Was he ignorant, that *statesmen*, not long before
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the time I was speaking, had deliberated to reduce the influence, supposed to be held by priests through the organ of *confession*; that the catholic prelates had been examined and cross-examined by persons in the Irish government, for the purpose of ascertaining, whether our clergymen might not *share their information*, at least on certain points, with the government? Was he ignorant, that, even *since the Irish rebellion*, French prisoners in the English *depots* have been refused the assistance of French; and even of English priests of acknowledged loyalty, at the point of death; that when, at length, *English* priests were suffered to attend those sick, they were to be *admitted*, under a special order, and not until the sick were despaired of *and speechless*? Did he not know, that, in 1798, no *confession* was allowed in the capital of Ireland to catholics, about to be executed for rebellion; or that, in 1803, after some executions had taken place, the importunity of our prelates at length prevailed over the rancorous suspicion? *Columbanus*, perhaps, never heard of the case of Irish soldiers under Sir John Moore; or of catholic soldiers, in Sicily, in Malta, in the Ionian Islands. The liberal creature! He reads, in the *statutes at large*, that *catholic* statesmen excluded provisors, yet excluded not their own *catholic* faith; thence he infers, that it is *disaffection* to argue, that *protestant* statesmen, who are not of the catholic faith, will intermeddle with *confession*, if they are suffered to *carve out the lion's share of securities*

securities against even *possible* danger. Lastly, I must point to another combination of fraud and folly. I had not charged any *statesmen*, then in being, with a design to abolish *confession*. I had charged the distrustful system of fear, in its necessary progress, with that design. *Columbanus* refutes a demonstration, of which every term had been rigorously defined, by alleging an instance from the acts of *catholic* statesmen in former times: and by shewing, that those *catholics* spared confession, he thinks to have proved, that future *statesmen*, whose religion is not discoverable, except as far as it must be adverse to *foreign influence*, will spare *confession* also.

From the consideration of the old *premunire* statutes, one great result has appeared, which, I think, would deserve to be shaped into these general maxims: that no church freedom can be permanent, where temporal power in churchmen is superadded to cumbrous property; that no christian principle can be secure, if laws restraining the abuse of ecclesiastical power; *in temporal things*, be applied to the permanent constitution of the church; that even church canons, when assumed by the state as *data* for its separate lasting enactments, will become engines of death against the church itself. In the time of Edward I., the English bishops might have canonically remonstrated against the exportation of monies by those monastic visitors. Even canons might, after that time, have been made against the abuse of *provisors*. The state, in
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enacting penalties, would have but given effect to the canons. But this course was not pursued; because the prerogative wanted to hold the power of letting in, and of keeping out so much of foreign influence, as it should think it proper or profitable, for its own behoof, to admit or exclude. If canons had been passed for the urgent necessity, those canons would have fallen into a dead letter, when the abuse had subsided. Whereas law once made by the state, and adding power to the executive, and influence to the wealthy, and pride to the nation, does not stagnate by the extinction of first abuses; but seeks or creates analogies, on which to operate.

This reflection I wish to apply to the canon of Antioch against designation of episcopal successors. This canon has been wonderfully cried up in those countries, which rejected its material provision; and the reason is plain enough. Wherever the sovereign claimed the contingent profit of the revenues of *vacant sees*, the churchmen were allowed to descant on the prohibition of designating successors, as a most sacred right; as one never to be departed from. As to the essential part and enactment of the canon, namely, that the bishop should be appointed by the provincial synod, that was overlooked, because the practice went contrary.

The catholic practice of Ireland has admitted, as we have seen, the recommendation of successors, for more than half a century. It always admitted provincial recom-

recommendation; it continued the recommendation by chapters, termed election with postulation: since 1790, the decided voice of the national bishops has been decisive, as of a home court of delegates and trustees for the chief christian see. From the multiplied checks and counterclaims, subordinate to the episcopal college of Ireland, but gravitating upon the decision of this last body, the see of Rome, instead of enlarging its claims, which were not contested, and could not be contested, remitted its judgment to Irish Roman catholic piety; reserving that, which it could not relinquish, the authoritative emblems of its inalienable jurisdiction. A fair man, not unexperienced in christianity, would deducé from this statement, that our bishops were, on catholic principles at least, religiously chosen. *Columbanus*, who is not a bishop, thinks quite otherwise. How long will this method continue? I hope, and I fear, and am silent. But if you demand proofs of the excellent choice, I will give one proof, in the words of Wren's epitaph, who raised the wonder of saint Paul's; *SI MONUMENTUM QUAERIS, CIRCUMSPICE*. If you seek for proofs, go count the population. "Here am I," each bishop will say, in the words of the patriarch, "and here are the children, whom God bestowed me." So may say our bishops: so may say our priests. What right had *Columbanus* to invade this system?

Amongst the third-hand texts and topics of exasperation, urged by *Columbanus*, I am forced to take
notice

enacting penaltics, would have but given effect to the canons. But this course was not pursued; because the prerogative wanted to hold the power of letting in, and of keeping out so much of foreign influence, as it should think it proper or profitable, for its own behoof, to admit or exclude. If canons had been passed for the urgent necessity, those canons would have fallen into a dead letter, when the abuse had subsided. Whereas law once made by the state, and adding power to the executive, and influence to the wealthy, and pride to the nation, does not stagnate by the extinction of first abuses; but seeks or creates analogies, on which to operate.

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recom-

all confidence in the priest, and hoisted the standard of atheism over the eucharistic altar. *Columbanus* would have no priest suspended *without a reason assigned, nor without a case alleged in writing and supported by proof.* Very well. Let us take as a case his own charge against Irish priests, "that murder and rapine are increased in proportion as confession is hurried over by the priest." Suppose a man, habituated to such grievous crimes, to have acknowledged them in confession to one of those clergymen, who, as our zealot insinuates, hurry over confessions, and by their negligence or lenity have contributed to the increase of capital misdeeds. Suppose the delinquent, being afterwards reclaimed, discloses privately to a catholic bishop the misconduct of the clergyman, with such circumstances as leave no doubt of the veracity of the accuser. What is the duty of the ordinary? Is it not his duty to suspend the clergyman? Must he continue to entrust the souls, for which he is responsible, to a clergyman so improper? Must he compel the penitent to meet, face to face, that clergyman, and to acknowledge himself guilty of felony in writing, and to prove it? The clergyman who should insist on this, would not scruple to prosecute that man, directly or indirectly. If even directly, would a judge of Gaol-delivery admit this challenge to the competence of the clerical witness, that he had gained his knowledge through confession? That he had gathered his proofs from

from the penitent's own complaint? This case, it may be said, is a case of monstrous supposition. I grant that. But in the catholic moral system there are acts, which, like felonies against society, imply a capital abuse of confidence; and which to attempt establishing by proofs, such as *Columbanus* requires, would overthrow at once that moral system. Wherever *confidence* exists, *fewness* or relative solitude is implied: a system of confidence cannot subsist, unless they, for whose benefit it had been made, hold every possible advantage over those who are its depositaries. If *Columbanus* is sincere, he will perceive my meaning: if he calls for more explanation, it will be manifest, that he seeks not to gain intelligence, but to compass ruin. To cut the matter short, I maintain, from any acquaintance with the spirit of Irish priests, that they would not associate with any clergyman, who rested his titles of honour on the ground, that he *could not be juridically* convicted of misdeed or indecorum. That the spirit of Irish lay catholics would more than *suspend* a clergyman, appealing to this test, I need not say: for every Irish catholic, who reads this, will decide. It is not by such methods, it is not by pleas of *not guilty*, the priesthood has preserved its baptismal White from suspicion. It is not by such avowals they hold the confidence of the flock. Were even *suspension*, the usual mark of unequivocal blemish, as it is not; but more frequently a deference to probability, and a symptom of jealousy

jealous precaution ; were it as frequently overstrained, as it is sparingly applied, the priests of Ireland would, as they now feel and are constituted, prefer the continuance of such power to that degrading emancipation of *Columbanus*, which would obliterate the reverence of past life, the ambitious purity of their aggregate fame, and the trust and confidence so purchased ; in order to bring in a legal standard of *not convicted* ; which would replace innocence by impunity, would guarantee the exercise of sacred functions to those, whom the catholic sentiment had degraded ; and which for the priest whose visit had made a lucky day, whose intimacy had been the pledge of domestic virtue, would infest us, with a brood of ecclesiastics, such as no catholic, unless provided with *legal witnesses*, would admit under his roof. Such is the defence I would make for the practice impeached, as uncanonical and tyrannous. *Columbanus* will easily justify to his own conscience his representing this practice of *suspension*, as an episcopal grievance peculiar to Ireland, whereas it is a disciplinary rule in Roman catholic countries ; and is recognized in the council of Trent.* The catholic priest well knows, that the power, thus exaggerated and defamed by *Columbanus*, is neither arbitrary nor final ; that it is not exercised in hostility, that it cannot be exercised in hostility. He knows, that, if aggrieved, he has the resource

* See. XXIV. Cap. I. De Reform.

resource of application to higher authority.* I stand, however, not on the *legality* of the practice, as much as on its necessity. If Ireland were entirely catholic at this moment, even so the religious spirit of the land would require such practice to be continued. What then would be the consequence of relaxing the tone of catholic morals now; of depriving bishops of the power to guard the reputation of their clergy; of taking away their mediation, as well as their authority of paternal rebuke; of swelling up little stories into the bulk of criminal records? If once the *reformation* sought for by *Columbanus* were introduced, does he imagine, that the new bishop-court process would be final on either party? Does he not surmise, that all this would terminate in the courts of law? And surely no place can be more competent than those courts to handle the *most delicate* points of our religious system. If *Columbanus* is serious in calling out for the *improvement*, let him think on the consequences.

I have concluded the labour undertaken at your command. Whatever the performance may be, I shall not repent of the motives, which determined me to begin, and which supported my resolution through the irksome journey. If I have done service to the catholic cause, the measure and efficacy of that service will be appreciated, when I shall be alike insensible to calumny and to praise. But I have cheered my

way

* Benedict. XIV. De Synod. Dioces. Lib. 12. cap. 8. § IV

way through the inhospitable wilds and bristling thorn-groves of *Columbanus*, with this reflection.

I have addressed these letters to you, Reverend Sir, by name, not only because your authority had prevailed with me to take up the subject, but because I esteem you a fit arbitrator on pretensions, advanced as in the behalf of the *priesthood*, to which rank you adhere, as to the highest object of your ambition. If to these public grounds it is allowed to subjoin the motives of honourable gratitude, I wished to testify what I cannot requite; the kindness of friendship, for many years enjoyed, and the advantages of your instruction, to which I owe much, if the present undertaking be not contemptible. If not contemptible, this will introduce the commemoration of our friendship, when nothing shall remain of us to be seen. Your name will vouch for my sincerity in defending the christian church against an assault, which would add contumelious disgrace to the persecutions it endures. When those persecutions have ceased, may catholics who shall read these letters, join your name, *HAMILL*, to mine in one christian remembrance!

I am, Reverend Sir,

Yours,

JAMES BERNARD CLINCH.

POSTSCRIPT.

WHILE the ninth of the foregoing letters was at press, I received, out of England, the account, that a *fifth* production of *Columbanus* had come to light. Soon after, I was favoured, through an unknown hand, with the publication itself, entitled, "No. 2 of "an historical address on the calamities occasioned by "foreign influence in the nomination to Irish sees." This *historical address*, in other words, this crazy rhapsody, is, with considerable insult to the English Peerage, fastened, by the medium of a dedication, upon the most noble the Marquis of Buckingham, as an undertaking commenced and perfected *under his auspices*, and as likely to do much in Ireland, on the strength of *his Lordship's protection*.

I had delayed for several months the printing of my letters, in the expectation of those further documents and proofs, which *Columbanus* threatened to embattle. I tarried so long, that many became impatient, and some even mistrustful: I therefore resolved to proceed; being certain, from a metaphysical dissection

dissection of my valorous Doctor, that, although he might get the start, and wriggle for a while in his cage, he could not run away; *Sicut exigua animalium, quae suis in circulis micant, campo deprehenduntur.*

I have looked into this *fifth* number. I have abided in its atmosphere, as long as human breathing could struggle amidst the ~~most unwholesome~~ exhalations. All that I deem expedient, for the present, to remark on its general tendency and scope, has been expressed in my introduction. I am now to animadvert on those passages, which regard the principle of my work. The passages I have culled out and endeavoured to classify, under the heads to be mentioned in order.

1. Of the *judicial right* of the *second order*, “to determine on faith and discipline with the bishops,” (H. A. p. 72), a right which they *always* enjoyed, (p. 59 *ibid.*), and which was the *grand palladium* of religious liberty, and the *grand* restraint upon the *intrigues* and *passions* of exclusive synods of bishops,” our author gives such proofs as he always gives. Although it must appear now superfluous, to take notice of assertions, so often and so variously refuted in the foregoing letters; yet, as *Columbanus* has scraped together some new authorities, I shall briefly go through them all.

His proofs from scripture are three; first, the council of Jerusalem, which I have examined. Secondly, that,

that, when Paul was desired by James and the *presbyters* to defray the costs of two zealots for the law in performing their vow, and to have an offering made for Paul himself, in order to do away the reports against him; "those presbyters," (supposed by *Columbanus* priests of the second order), "made a doctrinal decree, and that Paul submitted to their decree." This is certainly a happy discovery of *judicial* right in matters of *faith* and *discipline*; as well as of the inferiority of Paul's *judicial* right to James and the *presbyters*; although saint Paul himself thought otherwise,* and though he declares his principle was ever to be a *Jew* with the *Jews*. Third argument: that, "when Paul brought up money (*ibid.* p. 61) from Antioch, he did not give it to the bishop, but to the college of presbyters, to be distributed by common consent: that consequently those *presbyters* had a power from the Holy Ghost to govern the flock over which he made them overseers." On this mixture of fabrication and frenzy it is needless to dwell. "Saint Paul expressly declares so in that text; which the vicars apostolical have corrupted in order to prove the reverse!" *ibid.* We have heretofore examined that *corruption*. It is the corruption of the council of Trent. It is the corruption of Celestine, who sent saint Patrick into Ireland; and who, in his doctrinal letter to the council of Ephesus,

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declares

* 1. Cor. cap. 10. 2. Cor. cap. 10. 11.

declares, that Paul *properly* and *specifically* addressed those words to *bishops*, who succeed to the rank of apostles. It is the *corruption* of the council of Ephesus, which not only accepted this doctrine, but cried out, "To Celestine the new Paul, to Celestine the guardian of the faith, to Celestine *unanimous* with the synod, the entire synod gives thanks:" "One Celestine; one Cyril; one faith of the synod; one faith of the world." If saint Patrick held the *faith* of the *then world*, he must, as a vicar apostolical, have *corrupted* this text. Unhappy *Columbanus*! Concil. Ephes. Act. 2. Hardouin p. 1467, 1468. *Spiritus sancti* etc. "Respiciamus verba nostri doctoris, quibus PROPRIE APUD EPISCOPOS utitur. *Attendite vobis, &c.* Inde (namely from Ephesus) advocatos *hos* legimus qui istud audirent, *quo* nunc sanctitas *vestra* convenit. Last argument of *Columbanus*. "The *presbyters* joined in the ordination, in the laying on of hands. 1. Tim. IV. 14. 2. Tim. II. 6." Exactly so. They laid hands *even* on *bishops*, and ordained them. But were those *presbyters*, *priests* of the *second order*, who according to you, *Columbanus*, cannot ordain?

After this scriptural demonstration of his *palladium*, our author fastens upon Ignatius the martyr, bishop of Antioch. His success in establishing the *judicial* right of the *second order*, in matters of *faith* and *discipline*, in synods and along with bishops, is such

as might be expected. "The great Ignatius," writes *Columbanus*, p. 62. "in his epistle to the Thrallians" says: what is the presbytery, but an holy assembly, "in which the presbyters are the *councillors* and assessors to the bishop?" Unluckily the martyr has nothing of that. The *interpolated* epistle has it surely. Were the text even genuine, what is it to the purpose? "He repeats," adds *Columbanus*, "the same doctrine in the same letter. Reverence the deacons as the order of Christ, and the presbyters as the *synod of God*, and the constitution of the apostles. Without these there can be no church." I answer; the words of saint Ignatius *really* are these; "Reverence the deacons as Christ; *in like manner the bishop as the figure of the Father*; and the presbyters as the council-meeting of God, and as a united band of apostles; without these," (i. e. bishop, presbyter and deacon), "no church," i. e. no faithful congregation "can be assembled." Did it ever enter the heart of man to allege such texts in proof of a *judicial* right to determine in *synods* and along with *bishops*? The martyr is exhorting the *faithful* to reverence the three most sacred names of hierarchy. If the similitudes used by him be rigorously taken, he has represented the *deacon* as superior to the *presbyter*. The *bishop*, with Ignatius, represents the FATHER: the deacon, as the *angel*, minister, and instructor sent by the bishop, represents the

the Son of God, when on earth: the presbyters, seated in a body around the *bishop*, represent a council-assembly before God, and a company of apostles with regard to the *deacon*; because the deacon, as Christ, announces to them the will and purpose of the *bishop* as of the Father. This is a strange argument for the *judicial* right. *Columbanus* announces himself for a presbyter. Does *he* represent the duty of an *apostle* to the *Creator*, in his dealing with bishops? “*Ignatius* concludes,” according to our author; “*Farewell* in Jesus Christ, being subject to the bishop, as the commandment of God; likewise to the college of presbyters.” Nearly so. For you, *Columbanus*, as I perceive, give with new interpolations your English from the old Latin version, published by Usher and by Cotelier; and yet you give your Greek from the spurious, and long since damned epistles of the sixth century. Now, in that Greek, to which you last refer, you have treacherously omitted *after the presbyters*, these words; “and to the deacons.” This was a most salutary and necessary admonition, by the blessed martyr, and addressed to the *laity*, not to bishops, that they should treat with reverence all the sacred orders. He was exhorting the laity to esteem, to retain, to reverence the apostolic form; wherein the apostolic primacy of bishops was beautified, and exalted into a regal system by the assemblage of presbyters, like a senatorial meeting, and by deacons, who, though of greater antiquity were not of more certain

certain apostolical institution. He was speaking for the concord of the church, and against oligarchy and anarchy. But you, *Columbanus*, who, amongst your *acquirements*, seem to have forgotten, that, when *Ignatius* wrote, the *senatorial* power was but the pompous circumstance and display of state for the regal authority; you, who have entirely forgotten, that, before our Saviour's expiation, the chief senate of the Roman world was a meeting of honorary title, and of voluntary consultation, are pleased to infer from a supposititious text, that the presbyters, because a *synedrium* before the bishop, *as before God*, had a judicial right in collision with their *bishop* or *God*. You are too *learned*, and too ardent. Be pleased to become rational; if possible, to become honest. Your *learning* we will most willingly forego.

But how comes it to pass, that, in quoting this great martyr, you have dissembled all those texts, which come home to the very point; namely, those which declare the relation of *presbyter* to bishop? For example; why omit (to the *Ephesians*, IV. Le Clerc 12. Aldr. 42), that not only laity, but *presbyters* must conform to the *γύμνη*, or decision of the *bishop*; that (Ibid. VI.) a bishop is to be revered even the more, if he should appear ineloquent? Why pass over (to the *Magnesians*, III. p. 18.), that the *holy presbyters*, whom this martyr had known, yielded to their *bishops*, and thus yielded to God, the *bishop* of all; that

that (Ibid V.) he, who affects independence of his bishop, *is not a christian?* Why suppress in the very letter to the *Thrallians* (XII. p. 24.), that it is the duty of all, but it is the *peculiar duty of presbyters*, to give contentment to the bishop; or, in the letter to those of Philadelphia (XIII. p. 31.), that all who belong to Christ, are to be found along with the *bishop*; that he is compelled by the spirit of God to declare, Do nothing without your bishop? Why not mention, that, according to the martyr (to Smyrna §. VIII. p. 36.), *No ecclesiastical act can be performed, no eucharist celebrated, without his, the bishop's permission*; that, wheresoever the *bishop* is seen, thither the flock must rally; that (Ibid IX.) it is right to keep God and the bishop in view; that whoever honours the bishop, is honoured by God; that *he, who clandestinely acts without the bishop*, offers homage to the Devil? Why skip over all these passages? Would they *not* have helped to make out your assertion, that the grand *paladium* and the grand *restraint* upon the *intrigues* and *passions of episcopal synods* lay in the *judicial right*, always enjoyed by the *second order* in councils? Lastly, when you quoted the spurious text, "What is the *presbytery*, &c." why corrupt even that text, by omitting the preceding words concerning the *bishop*; namely these, "For *what is the bishop*, *but*," (I copy your manner of rendering) "but *one who transcendentally and beyond all power holds*
dominion"

“dominion over all; being, through the mightiness
 “of Christ, the representative of God, as far as mortal
 “can hold such dominion?”

The third battery is this; “In fact,” (p. 68, 69.),
 “the apostolical canons, Lib. 2. Cap. 32. declare
 “expressly, that the priests are the bishop’s *counsel*,
 “the *senate* and the *sessions* of the church.” I pass
 over the mistake of *canons* for *constitutions*, as well as
 the false quotation. The words quoted are in the
 28th chapter; wherein the faithful are enjoined to give
 an equal share to the deacon and to the presbyter
 in their *ayawau*: to the former in honour to *Christ*;
 to the latter in honour to the apostles, whose rank
 the presbyters obtain, as I have already explained.
 But, *Columbanus*, you had promised to shew a *judicial*
 right, in *synods*, along with bishops, and in matters of
 faith and discipline: yet here you shew no *right* whatso-
 ever; and your text excludes all pretension of a *judicial*
 right. Did you ever look into those *constitutions*?
 The chapter, which you misquote, is against the im-
 piety of a deacon resisting or slighting his bishop.
 Now, the *deacon* is set above the *presbyter* in this very
 work. Cap. 30. The bishop is the unappealable
 judge over priests, princes and doctors: all power
 and authority of loosing and binding is given to him,
 as such, by Christ. Cap. 11, 12. The bishop is the
 king and potentate after God. Cap. 26. 29. 34. On
 trials in the congregation, the presbyters and deacons
 are

are to be assistants, and to endeavour to reconcile the parties, *before the sentence* of the bishop, which is ratified by Christ. Cap. 47. *Columbanus* knew nothing of these matters. Having picked up a text, wherein presbyters are named a senate of the church, a *council* and *assessors* for the bishop, and not knowing, that these denominations negative a *judicial* authority, he inferred, that the *consultors* are *judges*, not only in the domestic judicature of a single bishop, but in all episcopal councils.

His fourth string of proofs for the *judicial* right, is from saint Cyprian.

“Saint Cyprian” (Columb. p. 72.), “says, that the synods of Africa were councils of bishops, priests, deacons and confessors, *the people standing by*; collatione consiliorum cum episcopis, presbyteris, diaconis, confessoribus pariter ac *stantibus laicis facta*. “Ep. 66.”

Softly, *Columbanus*. First; the words, quoted as of saint Cyprian, are found in a letter from the Roman clergy, *sede vacante*, to that bishop. Again; you marvellously interpret the, *stantibus laicis*. Lastly; you cut off the beginning and end of the story. The Roman clergy, being consulted by Cyprian on the mode of rigour or indulgence, proper to be used with those, who had fallen in persecution, reply, that since Fabian’s martyrdom, they had not been allowed to have a *bishop, who with authority and consultation* might settle the question of the lapsed: that, however,

as the question is momentous, they approve of Cyprian's idea; namely, to await the restoration of peace to the church, and thereupon to examine the matter in a general conference of bishops, priests, deacons; of confessors for the faith, and of *all the laity that should not have fallen*. In order to prove a *judicial right in presbyters*, you make the laity *stand by*. Now 'permit the Roman clergy to assign their own reason; "For we consider it liable to great odium, as well as "to great responsibility, not to examine, through "the medium of a *great number*, a case, that implicates "in guilt a *multitude*. Perquam enim nobis *invidiosum et onerosum* videtur, non *per multos* examinare, "quod *per multos* admissum videatur fuisse."

Ibid. "Priests attended in councils held by Cyprian "himself, *not pro forma* and by *connivance*; they *judged* "and *determined with* the bishops on matters of faith "and discipline." Our author gives very prudently his texts *in Latin*. The first is, "I and my colleagues, "who were on the spot, and our brother presbyters, "who sat on either side." Is not this demonstrative of a *judicial right*? *Columbanus* forbears to tell, what was then defined or by whom: and, in fact, it turns out, that there was no *council* alluded to by Cyprian. Our author quotes this from Cyprian, Ep. 66. He will find the letter itself in Fell, Ep. 1., and be pleased to read the annotation.

Second text; "Concerning which affair" (of re-baptizing), "that you might know, what very
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"many of our brother bishops have *determined* in synod, in company with brother presbyters, who were on the spot." Does not this prove the *judicial right* and privilege, *always* enjoyed, of *restraining* episcopal intrigues?

The third text; "If the number of those bishops, who *pronounced judgment* on them last year, be computed, along with *presbyters* and *deacons*, it will appear, that more were *present* at that *judgment* and examination, than all the now partizans of Fortunatus." Is it not a good proof, that the *second order* held a *judicial* right, to shew from saint Cyprian, that they had it not?

Fourth text; "Saint Cyprian" (Columb. p. 64.) "writes to pope Cornelius, Ep. 55." Fell, 59. "that he had a *flourishing* clergy presiding with him at Rome." Over whom *presiding*, Columbanus? Does the justice of peace, because he *presides*, as well as the chief justice of England or of Ireland, over the peace, appear to you coequal, in *judicial* right, with the general conservators of a realm? It is your fate to deal in *apocrypha*. I do not deny, but I maintain, that the *presbyters* are, in the catholic polity, *πρόστυτοι, πρεσβυτεροι, πρεσβυτεροι, πρεσβυτεροι*; and that their acts are acts of spiritual magistracy. But you are perpetually shuffling the question, as here. Instead of proving a right, affecting the *bishop*, you allege a superiority, affecting the *people*. Having said thus much on the principle, I beg to add, for the information

tion of persons, not so learned as yourself, first, that the, *florentissimo clero tecum praesidenti*, is a most doubtful reading on the very face of the manuscripts; that *four* manuscripts in England, of very good mark, have *praesenti*; that *praesidere* is used by saint Cyprian, and by Tertullian, to whose discriminating stile he conforms, for the *episcopal* primacy, and for no other *presidents*. Lastly, I suggest, that the true reading is necessarily, *tecum praesidente*, i. e. united with thee, as governor.

The fifth text of *Columbanus* is, that "on the death of Fabianus the pope," (Columb. 65.) "the second order, or Roman clergy governed that see, styling themselves *praepositi* or prelates." He adds something very foolish, as from Baronius, whom, by the bye, he misrepresents. Now the Roman clergy do not stile themselves, *praepositi*. In the vacancy of the first chair, and while the emperor Decius was more afraid, as saint Cyprian states, of a bishop being made for Rome, than of a pretender setting up for the empire, the priests and deacons of Rome, hearing that Cyprian of Carthage had absconded from persecution, wrote an anonymous letter to the clergy in Carthage, asking *them* also to stand in the breach, and using these words, as applicable to both churches; "We," namely, of Rome and Carthage, "who appear to be now left governors, and deputies of bishops. Nos qui *videmur* esse *praepositi*, et *vicem* pastoris *sustinere*." Will *Columbanus* never have

have done with forgery? His helps from *Baronius* are not worthy even of refutation. I revere that holy man: I respect his devout prejudices, as well as his invaluable labours. However, it is not for our author to defame at once, and to implore such authorities.

His last argument from saint Cyprian is also *Latin*. "The Roman clergy had a share in the government," (p. 68, note), "and were, as saint Cyprian *expressly*" says, in his epistle to Lucius, Ep. 58. *Cum presbytero episcopi sacerdotali honore conjuncti.*" I have deferred to this last text an observation. *Columbanus* purloins from some French catchpenny all his authorities. He perpetually quotes Cyprian from the editions anterior to Fell, as this quotation is from the numeration of Pamelius. In truth, the Roman clergy *had a share* in the government; and, though the example of a patriarchal see, especially that of Rome, is no precedent, as I have demonstrated, unless for *apostolical* missions; there is nothing allowed, or alluded to, in any ancient document, concerning *presbyters*, which our *parish priests* do not enjoy in a far higher degree. Now, what is the text of Cyprian, so garbled by the impostor? The bishop congratulates the church of Rome, that the persecution had spared the *Novatian* conventicle, and had singled out the successor of Cornelius; "to this purpose, that Christ, for the confusion and conviction of the *heretics*" (so Cyprian termed all schismatics),
" should

“should make it plain, which was the *church*” of Rome; “who its *one only bishop*, selected by divine ordinance; who the presbyters, united with that bishop, as connected with him by the magistracy and insignia of priesthood.” *Intelligimus unde illic repentina persecutio exorta sit, ... ut ad confunderendos haereticos et retundendos ostenderet Dominus, quae esset ecclesia; quis episcopus ejus unus divina ordinatione delectus; qui cum episcopo presbyteri sacerdotali honore conjuncti.*” 58. Pamel. 61. Fell.

Now that we have got over these formidable proofs of a *judicial* right in the second order, and have scanned their folly, emptiness and fraud, I will make one or two observations with regard to Cyprian. First of all; no *judicial* right has been proved from him; no *judicial* interference has been shewn, *even of concession*. Secondly; it has been most grossly concealed by *Columbanus*, that this neophyte bishop of Carthage avows *himself* the *introducer* of a rule, that he, the bishop, should *consult* his presbyters and *deacons*, and moreover seek the *consent* of his flock, before he established any regulation of discipline. Ep. 14. Fell 6. Palmer. A primordio episcopatus mei statui, nil sine consilio vestro, et *sine consensu plebis* mea privatim sententia gerere. Would not even this declaration suffice to shew, that the very privilege of *consultation* had *not always* been enjoyed by the second order? Again; if Cyprian had mentioned, as he does not, a *judicial* right in the second order; if there remained only
a doubt,

a doubt, whether such right were inherent, or derived from courtesy, humility and kindness in the bishop, and exercised in dutiful reverence towards the bishop by the presbyter, ought we not consult the martyr himself, and trust to his express words, rather than to forced and captious inferences of a *right*, from an equivocal practice. Hear then the martyr. "From
 "no other source have heresies originated, and schisms
 "taken birth, than from this; that obedience is not
 "yielded to the *priest of God*:" (i. e. the bishop);
 "that it is not considered, that one priest for the
 "time being, and ONE JUDGE holds the lieutenancy
 "of Christ in each church. If the entire *body* re-
 "mained dutiful to him, according to the divine
 "precept, no man, after the divine election, after the
 "popular choice, after the consent of the brother
 "bishops would attempt to make himself a judge, not
 "merely of a *bishop*, but of *God himself*." Ep. 69.
 Fell.

Let us next take up our author's arguments from councils.

1. "In the council of Eliberis, held A. D. 306.,
 "the bishops were only 19, the presbyters were 26."*
 I have settled this matter already.

2. "Eusebius says, that so many of the second
 "order attended in the great council of Nice, that it
 "would be tedious to mention them individually.
 "Tillemont computes them at 2048, Beausobre
 "agrees."

* Historical address, No. 2. p. 71.

"agrees."* I have settled also the passage from Eusebius. If *Tillemont* and *Beausobre*, some thirteen hundred years after that council, *computed* the number at 2048, *Columbanus* will be pleased to understand, that the imperial saloon must have been *half a mile* in length, in their supposition. However to ease him of this scruple, I beg to let him know, that those 2048 are taken from the notes of Abraham Ecchellensis to the *Arabic* canons; and that the words of Ecchellensis are these: "According to the *Coptic* " *preface*, the 318 fathers were selected from 2948: "according to the *Melchite*, from 2048 *bishops*." Labb. 11, p. 394. C. 402, Abraham Ecchellensis confesses, that in writing against Selden he had conjectured, that *priests*, *deacons* and *monks* contributed to make up the number; but in these notes he retracts his error. *Columbanus* builds on a third-hand mistake, although retracted by its original breacher.

3. Of the council of Ephesus *Columbanus* writes merely; "Compare the subscriptions of the second " order. *Bakuz. Nova Collect. Conc.* 1. 507. 519."† The reader may save himself that trouble; for this council is settled.

4. "In the council of Chalcedon, *few hundred and* " *twenty attended*, where the bishops were only 356." I refer the reader to the preceding letters, and I leave him to his reflections on *Columbanus*.

5. "The

* *Historical Address*, No. 2. p. 71. † *Ibid.* p. 90.

5. "The fourth of Toledo assigns their proper place in synods to priests, &c."* All settled.

6. "The council of Tarracon enacts, that the Metropolitan should send letters to his brethren, that they bring with them, not only some of the presbyters of the *cathedral church*, but also of each diocese."† It is true, that there is something of the kind, mentioned already: but *Columbanus* forgets the addition, that they were to bring also *some of the laity*: he forgets also, that this rule was made *by bishops*, and shews, that they could *exclude*, as well as *summon*.

7. "In the great council of Lateran under Innocent III,‡ there were 492 bishops and above 800 of the second order, according to Platina." Platina writes, that in that council there were 70 archbishops, 400 bishops, 12 abbots, and 800 superiors of monasteries,§ along with the patriarchs of Jerusalem and Constantinople, and ambassadors of five kings. Now this council, as *Columbanus* well knows, took place in the *thirteenth century*. He knows, moreover, that the presence of those *conventual superiors* (rashly termed by him of the *second order*), was in consequence of a special summons to them. He knows, lastly, that this summons is to be found in the *Regestum*

* Historical Address, No. 2. p. 66. † Ibid. 70. ‡ Ibid.

§ Interfuere Hierosolym. Cossat non. Patriarchae, Metropolitan LXX. Episcopi quadringenti, duodecim abbates, priores conventualia octingenti.

Regestum XVI. L. 4. Ep. XXX. of the said Innocent III.* Knowing all these matters, he might with perfect accuracy have passed over *the great council of Lateran*.

8. "Have we not to this day innumerable instances of *judicial* subscriptions and sentences, enacted by the second order?"† No.

9. "Do we not find them in the two *general* councils of Nicea, in the two *general* of Constantinople, in that of Ephesus, of Chalcedon, and in the first of Arles?"‡ No.

10. "Was not Marcion rejected and condemned by the *Presbyterium of Rome*, A. D. 143. Euseb. L. 6. ch. 13?" No. Eusebius has not one word of the matter, nor Ireneus, nor Justin Martyr. But Epiphanius does mention, *πρεσβυτεροι* and *πρεσβυτεροις*, who, with your permission, were *bishops, doctors, and scholars* of the apostolical disciples.§ The *condemnation* and *presbyterium* are your own additions.

11. "*Novatus*," he means Novatian, "was condemned by a synod of *the second order* of the *Roman clergy*, as stated by Eusebius, L. 6. ch. 43." || By falsifying his author, *Columbanus* has lost the advantage

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of

* B. s.quet's edition, p. 555. Circular to the *archbishop, bishops, abbots, and conventual priors*, of N. province. Vineam Domini Sabaoth. Historical Address, No. 2. p. 69. † *ibid.* ‡ *ibid.*

§ Epiphani. Marcionistae, p. 302. 303. Petau. || Hist. Address, II. *ibid.*

of his text. Eusebius truly does say, that a great synod was held at Rome " of bishops, sixty in number, " and, in priests and deacons, still more numerous: " that, throughout the provinces also, the *pastors* severally discussed the cause, and that *one and the same* " *decree* was resolved by all." Had he been satisfied with the intervention of priests and deacons, as making up part of the synod, I would have let the matter rest for the present: but when he terms this meeting a *synod of the second order*, when he leaves out the *deacons* as well as the bishops, I blame his want of integrity. When he terms the meeting a synod of the *Roman clergy*, I am surprised, that he should not have known, from the very chapter of Eusebius quoted, that the presbyters of Rome were only *forty-six*; and that five of these, along with Novatian, himself a presbyter, had gone into schism: and therefore the *greater* number of *priests*, above *sixty*, could not be of the *Roman clergy* alone. Lastly; I beg to remind him, that neither *judicial* signature, nor *judicial* enactment, is ascribed to the *second order* by Eusebius: on the contrary, he relates, that Cornelius, in his epistle to Fabian of Antioch, delivered the names and the sees of the *bishops*, who at Rome had condemned Novatian, as well as of the foreign *bishops* who accepted *their decision*.

12. " Paulus Samosatenus was condemned by the " *priests* of Antioch. Euseb. l. 7. c. 30." Enough has been said already on this council. For the present, I
will

will but remark, that only *one* priest, *Malchion* of Antioch, is mentioned to have disputed against *Paul*; and that the other *presbyters* are denounced in the synodical letter, as corrupted by that heretic.

13. "The Priests sat and subscribed in the several councils held in Rome by Popes Hilarus and Gregory the Great, as related in St. Greg. epist. l. 4. c. 88. in the 1st, 3d, 4th, 5th, and 6th councils of Symmachus, and under Felix." The quotation from Gregory I do not understand. There is not a doubt, that, in the Roman synods, the priests sat; and that, in all matters regarding the constitution of that particular church, they subscribed. That they subscribed *judicially*, *Columbanus* will have proved, when he adduces the name of a single presbyter, speaking as a judge, in any Roman council. He quotes the signatures to the 1st council under Symmachus, of which the presbyters' signatures are feigned; he quotes the *fifth* and *sixth* councils under Symmachus. He has forgotten that those councils, in body and in tail, are fabrications. He quotes the *third* under Symmachus, which *no presbyters* subscribed or could have subscribed, it being the decree of the bishops, to whom Theodoric had referred the cause, and who take notice of their commission in the decree.

14. "Does not Pope Siricius inform the church of Milan, that Jovinian and his followers were detected by a *judicial* sentence of the *priests* of Rome;

"Sacerdotes"

“*Sacerdotali* judicio detecta?” No. This point has been already disposed of. *Columbanus*, you should have remembered, that *Sacerdotale judicium* is an *Episcopal judgment*, in *Latin*.

15. “Was not *Noetus* cast out as a broacher of
 “ new doctrines by the *counsel of the senior presbyters*
 “ of Ephesus, as related by Epiphanius? They
 “ cited him, says Epiphanius, to give *an account of*
 “ *his faith*, and *they condemned* both him and his fol-
 “ lowers, A. D. 245. Epiphan. *Haeres*, 57. p. 479.”
 I answer; “*Noetus* was *summoned* by the *sainted pres-*
 “ *byters* of the church,” says Epiphanius. “He first
 “ denied, and on the second summons maintained, with
 “ his ten disciples, the novel and deleterious blas-
 “ phemy, that the invisible Father had suffered death.
 “ For his obstinacy they expelled him from the
 “ church. He and his brother died soon after,” prob-
 “ ably of the plague. “No christian would compose
 “ them in the funeral shroud.” As to the main fact,
Columbanus is not astray. In truth, *Noetus* was ex-
 pelled the congregation, according to Epiphanius,
 for contumacy and blasphemy, by the *Presbyterium*.
 As to the consequence, *Columbanus* has tripped a little,
 or even more. He was bound to shew, that there was
 then a *bishop* in Ephesus; he was bound to shew, that
 the Ephesian *synodus* was not a synodical meeting
 of suffragan bishops. After disposing of those two
 questions, which he is incompetent even to approach,
 he

he ought to have proved, that it is the mark of a *judicial* right to expel horrible and confessed blasphemers against the *known* faith of the catholic church. The *judicial* right, here pretended by *Columbanus*, is the right of every catholic layman. Does *Columbanus* suppose a right coequal to episcopal, implied in any deed of avoiding and abjuring the man, who professing himself Catholic, would deny the seven sacraments or the blessed Trinity? If no bishop had been at Ephesus; if no presbyter had been there, the congregation had been warranted in expelling Noetus; because his *doctrines were* not only *new*, as our forging author palms it on Epiphanius; but they were in open contradiction to christianity. They were expressly such doctrines as those, to which the apostle Paul applies the malediction of anathema, although brought into the world by an angel. The *senior presbyters*, and the *judicial condemnation* of Noetus and his followers, are, as usual, the creatures of our author.

II. On the subject of *coadjutors with hope of succession*, our author is still as fresh as at his first onset. “The *foreign vicars*,” says he, (pages 52, 53.) “allege the “instances of saint Augustine and saint Francis of “Sales.” *Columbanus* again informs us, that saint Augustine *repented*; as to the latter, he says nothing: that Austin of England appointed his own successor, because the infant church was exposed to danger, which is *not* the case with the catholic church in Ireland.

Ireland. The *new* arguments of our author are;

1. That in a certain history of Charlemagne it is related, that the bishop of Aquileia, being pressed by the emperor to appoint his own successor on his death-bed, answered, *he would not add that to his sins.* Columbanus, foreseeing, that the text would not serve, abstains from quoting the Latin.
2. That Boniface, the apostle of Germany, asked leave of pope Zachary to *nominate* his own successor. The pope replied, that he *could not consent*, because it would be a "violation of the canons." Our author, as usual, was loath to encumber the story with a beginning or ending. Boniface had been ordered by Gregory III. to appoint a *certain* priest his heir and successor in the *ecclesiastical ministry*. At this time, *Boniface* was a missionary bishop. The object of his choice fell under disgrace at court; his brother having killed an uncle of Carloman. On this account Boniface applied to Zachary for an enlargement of his power of designation. The pope, in truth, declares, that he cannot allow this substitution of bishops, because it is contrary to all church rules and traditionary principles. He therefore instructs Boniface to defer the nomination, until he is near his end; *then to appoint his successor in the presence of witnesses*. He declares, that this privilege he will grant to no other. Labb. V. p. 1496. IV. 1499. IV. Zachary changed his mind, five years after; and empowered Boniface, now archbishop
of

of Cologne, to ordain his coadjutor *a bishop with the right of succession*. (Labb. VI. 1757. E. 1522. C.) Wisely and honestly were these circumstances omitted.

III. On episcopal elections our author gives the following supplementary intelligence. (H. Address, p. 54. note, 55, 56.) “Petau, one of the most learned men the christian world ever produced, says; *Non-nisi electione*, &c.” i. e. It is most certain, that bishops deceased were replaced uniformly by election. “*Negamus*, continues he, &c.” i. e. We deny, that Soter, Eleutherius, or any bishops of Rome or of other churches were appointed otherwise than by election.” It is very true, *Columbanus*, that Petau was a most learned man. But why mangle his words and pervert his meaning? *Salmasius* had argued, from a newly discovered letter of Pius of Rome to Desiderius of Vienne, purporting to be written early in the second century, that *bishop* was then the *senior priest*, and that each surviving *presbyter* gained this title, which was of *mere precedency*, without a *further choice or consecration* of any sort. *Petau* denies this assertion, and maintains, that bishops were distinctly *chosen* for the episcopal office, in all the churches, and from the most early times. Were *Petau* to return to the world, he would make our author smart for this dealing. Again; “Petau,” says *Columbanus*, “proves from a *collation* of the fathers of *every age*; “as well as from the canons of *general* and provincial
“council

“councils *universally received*, that bishops *must be* elected with *unfolded doors*, in the presence of *all who choose to attend*.” This most *learned man*, it seems, was ignorant, that bishops were finally elected, and consecrated in the same meeting and *inter sacra*, at which neither infidels, nor heretics, nor catechumens could be present. This *most learned man* also quotes *general councils* for a practice on which all general councils are silent. Now, the fact is, that Petau has not a word nor a syllable of this nonsense. “Petau adds, that the decrees for the *maintenance of this discipline* are innumerable. *Innumera sunt hujusmodi decreta de eligendis episcopis, suffragante et subscribente clero, consentiente Populo.*” i. e. Innumerable are the decrees of this kind for the election of bishops, *the clergy voting and subscribing, and the people consenting.*” I leave to the honest reader to settle accounts with *Columbanus*, on this unparalleled fabrication. The words of Petau are; “*Sed innumera sunt hujusmodi decreta de eligendis a populo episcopis occidentalium Ecclesiarum.*” But “innumerable are the decrees of the *western churches* concerning the election of bishops by the people.” The sum total of Petau’s argument is directed against the fancied right of *seniority*. The generally received canonical discipline, according to Petau, was, that bishops should be *chosen, either by bishops alone, or perhaps by bishops and clergy together.* The ad-

“mission

“ mission of *lay votes* was chiefly a law and custom of
 “ *the West*. Nam, ut *ab episcopis*, aut *una etiam a clero*
 “ *eligerentur* episcopi, recepta per omnes ecclesias
 “ canonum decreta sanxerunt. Ut autem in iis re-
 “ nuntiandis *laicorum insuper suffragia* locum haberent,
 “ in occidente potissimum lex et consuetudo tenuit.”

Ibid. “ Saint Cyprian maintains *professedly*, that this
 “ discipline” of clergy *voting* and *subscribing*, of peo-
 ple *consenting*, “ is of apostolical institution ; his 68th
 “ letter is *professedly* on the subject.” This 68th
 letter must be hiding *inter codices Justellianos* ; be-
 cause, in the printed 68th of Cyprian, neither *subscrip-*
tion, nor even *clergy* is mentioned. The martyr speaks
 of the practice, almost generally received, and having
 authority in the observance of the apostles, that a
 bishop should be chosen in the presence of the people,
 who, being acquainted with the morals and life of each
 and of all, have *the principal part in chusing* the good,
 as in *rejecting* the unworthy.

“ Are the Irish bishops more learned than Peta-
 “ vius.” No truly ; but *Columbanus* is. “ Let cano-
 “ nical *election* be restored. Let the second order be
 “ reinstated in their *synodical* rights, and then *we will*
 “ *talk* about *synods*.” Until this event, it seems, *Colum-*
banus is resolved to keep his *wisdom* under a bushel.
 But will he persist in *talking* then also ? “ Else *synods*
 “ may be *gunpowder* plots.” A good hint to the police.
 When *they* have burst in the doors, *you* can take

your place behind, according to the fourth of Toledo. This is the same *Columbanus*, who had branded with disaffection the man, that feared our rite of *confession* might be *suspected*.

Our author, p. 56, 57, attempts to play the *Peta-vius* with the councils of Nicea, Laodicea and Antioch. He is, in truth, very learned, and begins ; “ I “ know it has been *asserted*, and what is it that *may* “ not be asserted, &c. ? ” It *may* be *asserted*, I hope, that you, *Columbanus*, have taken all this learning from the 6th, 7th, 8th, 9th and 10th paragraphs of *Petau's* Hierarchy. Lib. 1. c. 13. You add in your note a remark, insinuating, that *Jupiter* was the royal ancestor of bishop Synesius. There is, besides, some improvement peculiarly your own. *Petau* attempts to prove, that *popular election* subsisted after the celebration of those councils. You attempt to prove, that the *clerical suffrage* still prevailed in the east ; and you prove this by saying it. *Petau*, in conclusion, grants, that, in the east, if bishops were frequently demanded by the people, they were also appointed by the bishops alone. This you change into, “ Hundreds “ of examples *not only of clerical*, but even of *popular elections* in the eastern churches, subsequent “ to those canons, as of *Synesius*, &c.” Be pleased to know, *Columbanus*, 1. that to insert, as you do, the words, *not only of clerical election*, is not doing justice to *Petau*, or to Menard, or to your cause ; 2. that Egypt was not an *Eastern* church ; 3. that the councils

cils of *Antioch* and *Laodicea* were not received in Egypt: nor do the authorities, alleged by *Petau*, demonstrate even what he undertook to shew, and what he at last gave up, in these words; §. XIII. Verum, ut ut in orientali ecclesia renuntiati sint episcopi, hoc est, sive populi *plerumque* suffragiis expetiti, sive *ab solis episcopis creati*, primum constat, non eodem modo transactam rem fuisse.

“*The Castabala*” p. 43. note, “objects to my translation of *plebs*, représensatives of the people: but he only betrays his own ignorance: let him read, he will find it so rendered in coeval writers. See the “*Novella* 123 of Justinian.” He means surely the *Novella* among the *Codices*. For, *plebs*, is not once mentioned in the *printed* novel. Those *coeval* writers are, no doubt, in the *Codices* also, who, in the fifth century, translated, *plebs*, in *English*, representatives of the people. Let *the Castabala* read the remainder of the note in question: then let him know, that *Columbanus* has already performed greater wonders than even this on the *plebs*. Some instances I have already given of his resistless alchymy. But for the instruction of *the Castabala*, I will furnish one more of inimitable rendering. De Burgo, a catholic archbishop, is stated in a Latin text, as given by *Columbanus*, to have been imprisoned; then reduced to *quit the country*. The Latin words are, *Ergastulo inclusum solum vertere coegerunt*. This little text, by
mere

Natalis. Why so? Because, exactly between these two pages, there is an explanation, Schol. iv. p. 117. wherein that writer declares, that “although the papal office consist *principally* in upholding church rules; although a pope cannot at his fancy *abrogate*, yet he can *interpret* general canons, and, in *particular instances*, can dispense with them throughout the world, for the advantage of the church.” I leave *Natalis* here.

V. From page 113 to p. 129 of this Address, *Columbanus* exerts himself to prove, that the *discipline* of the council of Trent has never been received, and can never be received in Ireland. In his *index*, this title is *peppered* for the taste of a certain species of readers, by adding, that the *discipline*, &c. cannot be received, “without *perjury*, by any Irishman, who has *taken the oath of allegiance*.” Now, *Columbanus*, since your practice, as you once informed us, is to avoid *pedantic*, technical, scholastic terms, and to handle matters perspicuously, of which gift I have recorded most luminous instances, it might have been expected, that you would explain the term, *discipline*, as understood by the catholic church in Ireland. Your argument is this. The Irish catholics abjure all authority of popes or councils over *temporal* rights within this kingdom. But the council of Trent, amongst its regulations of *discipline*, appears to have intermeddled with, and enacted *temporal* matters; therefore

therefore the *discipline* of that council cannot be received here *without perjury*. Such is your demonstration. If it has not the merit of originality in quoting (for, in fact, your ecclesiastical proofs are borrowed, honestly borrowed), it must be allowed the praise of original *logic*. Heretofore it had been supposed, that to negative an *authority* means to deny the authority formally, generally, not partially; that to negative, in the present instance, the authority of the discipline of Trent, would mean to deny that council all authority in its disciplinary canons. But you, *Columbanus*, from instances of *temporal* enactment in that council, and from the *datum* of our abjuring foreign *temporal* authority, by whomsoever exercised, conclude, that, in *no matter* of discipline, was that general council adequate to regulate the catholic church in Ireland. You are plainly a geometrician: you possess that faculty of consistent intellect, which marks the proficient in those studies. Even so, let me ask, is there any of the points contested by *you*, and maintained by the catholic church in Ireland, of *temporal* concern? Your fits of loyalism are truly pathetic, as your fits of reasoning are lofty. Will you be kind enough to clear up, for us ignorant creatures, why the council of Trent, because in certain of its regulations, it assumed the catholic churches to be for the most part *established*; to hold *temporal* rights even judicial; to be guaranteed in those rights by immemorial possession;

to

to be a member of the several catholic states ; and, in this supposition, framed certain decrees in revival, or in the spirit of a mixt legislation : that on this account, those canons of Trent, which it is purely and solely of ecclesiastical competence to promulge, and which regard ecclesiastical polity *alone*, should stand attainted ? Do you understand as yet, or do you call for examples ?

Did you ever hear, that, in America, there is a presbyterian church, acknowledging the primacy of the kirk in Scotland ? Do you know, that it subscribes the Scotch articles ; that the American States are independent ? You know all this ; at least, that the Scotch *discipline* is *authoritative* beyond the Atlantic. Do you infer from these premises, that those American presbyterians are traitors to their own country ? Do you suppose the British Sovereign entitled, in their opinion, to hold all pre-eminence *temporal* in America, or that they believe in the right of parliament to tax the federal States ? In America, at least, you would not answer, Yes ; because patronage, in that country, is not much considered.

Was the council of Trent a true general council, as all catholics acknowledge ? Was it even a council of the West, as the eastern church acknowledged, when it adopted its canonical decrees and doctrinal expositions against the reformists ? If even a true council of the West, it was competent to regulate the *interior* polity of that church. This regulation of *interior* polity is, with us Irish Catholics, the *discipline*
of

of the council. The legislation, *upon mixt matters*, is *not* for us the *discipline* of Trent, where our oath intercepts the sanction. We hold, that it never was in the mind of the council to bind men, or rights, that were not represented; or to invade that, which was independent of synodical controul. The council, as I have already said, and as every Roman catholic knows, went on the supposed ground of existing *temporal* immunities. It had not the prophetic microscope for distinguishing our *magnus nasciturus*, who was to come forth as a catholic doctor, preaching, that its *discipline* cannot be received without perjury by those, who, in admitting that *discipline*, abjure its temporal legislation.

When the council of Trent requires, that no bishop shall designate his coadjutor with hope of succession without the consent of the holy see, it determines and recognizes, that, under this condition, the designation generally shall be righteous and canonical. When it anathematizes those pretended catholics, who deny that persons, assumed by the pope's authority to the episcopal office, are true and lawful bishops, it decides a point of faith. Now, *Columbanus*, these are the points which have excited your rage, which you perpetually aim at, and on which, notwithstanding, in five pamphlets, and in a whirlwind of innumerable blasphemies, you studiously avoid to mention the council of Trent. Be of good heart. Those decisions will survive you, and will judge you. Is it in the council of Trent alone

alone our author finds *temporal* rights meddled with ? Does he forget, that in his *Toledo* councils and in his councils of Seville, along with disciplinary canons, are to be found regulations directing corporal punishment, as well as the election of sovereigns ; or that, in councils of France, even regal causes were decided ? Does he receive those temporal rules, when he argues from the *discipline* of Spanish councils, and from Capitularies ?

The discipline of the council of Trent, says our author, was *proscribed* by catholic France. How can a man who not only affects zeal, but disgustingly appeals on every occasion to the Deity, utter such manifest untruths ? The discipline of the council of Trent was received, with the exception of the matters quoted by *Columbanus*, and was enacted in the several dioceses of France. In all the assemblies of the clergy, down to the revolution, this council was recognized as most sacred. In matters of national usage, the French church took it for granted, that the council intended not, by general words, to derogate from their immemorial possession : that, in matters regarding the prerogative and temporal rights, the council intended not to invade or to compel. But the French church revered the *discipline* of the council of Trent and adopted it, under those limitations. *Columbanus* quotes *Dupin*. What authority had *Dupin* in France ?

He tells us, that “ the *discipline* of Trent deprives all “ *princes*, who tolerate duelling, of their *temporalities* : “ that it assumes a *temporal dominion* over catholic

“princes with regard to ecclesiastical *immunities* : de-
 “clares bishops independent of the civil power, and sub-
 “ject to the pope in *criminal cases* of the greatest mag-
 “nitude ; enables bishops to punish with *finer* the prin-
 “ters of anonymous books ; to enforce obedience by
 “depriving ecclesiastics of their revenues ; to dispose
 “of the entire revenues of hospitals though founded
 “by Laymen and exempted : to compel the laity to
 “give such maintenance, as *they* think fit, to the cler-
 “gy : to *compel* church repairs : to sequester bene-
 “fices : to suspend notaries for ever and without ap-
 “peal : to change last wills. It exempts married
 “men from lay jurisdiction, provided *they become* ton-
 “sured clerks. It empowers to sequester the estates
 “and to imprison the bodies of laymen.” Supposing
 all this to be as accurately true, as it is maliciously cari-
 catured, does *Columbanus* suppose, that such enact-
 ments are of *discipline* merely ecclesiastical ? Does he
 suppose, that the right of an English bishop to sit in
 parliament is a matter of *discipline*, not a matter of
 privilege ? Does he fear, that *catholic* princes will be
 created ; that *imperial* notaries will be brought into
 this kingdom ; that hospitals will be founded, and
 clerks will be tonsured, in order to set up those rules
 of Trent ? That, whenever a duel is fought with pis-
 tols or with sticks, the feudal system is to be re-esta-
 blished, for the purpose of giving a forfeiture to the
 lord paramount ? No, *Columbanus* does not suppose,

he

he does not fear such revolutions ; but he hates the catholic church and the council of Trent ; and he therefore has determined to do all the mischief he can to the former, by abusing the latter.

One most extraordinary proof he gives, that the council of Trent was not received in Ireland. “ The *national council* of Kilkenny, in 1648, impeached *Rinuuccini* for usurping the power of conferring bishoprics, in *dishonour of the crown*, and against the *fundamental laws* of the realm ; and, notwithstanding the *pledge* given by Rinuccini, *on the faith of the pope*, that no Irish bishopric nor benefice should be conferred, unless under the *king’s right of nomination*, exercised by the *supreme council* of the catholics of Ireland, that, in 1647, Rinuccini ordered those bishops appointed by himself to take their seats in the council, and prevailed ; notwithstanding the opposition of catholic *lawyers*, who argued, that no bishop, until he had sued out his *temporalities* at the king’s hands, could sit in parliament.” The *lawyers*, I fear, are but making sport of *Columbanus*. Those *lawyers* well knew, that the *council* of Kilkenny had no pretension to take up the right of nomination, exercised eighty years before by catholic kings. They knew, that the pope never could have authorised *Rinuuccini* to pledge his faith on so monstrous an assumption ; that no such *fundamental law* existed. But, supposing the *lawyers* in earnest, what had this matter to

do with the council of Trent? Did the council of Trent abrogate the *concordatum* of Francis I. and Leo X? Now, *Columbanus* will do well to explain a petty matter, disclosed by himself. Were the lawyers in earnest, when they mentioned *temporalities* of titular bishoprics? If they were, it follows, that the council of Kilkenny had given *Rimuccini* to understand, that the titular bishops were to be reinstated in *temporalities*. It follows, that, in the *private* treaty with Ormond, *faith* was broken with *Rimuccini*; perhaps from *negotium*; but *faith* was broken undoubtedly, by those occupants of *royal prerogative*. Let *Columbanus*, in his more ample work, touch upon this point. It is a *great desideratum* in his masterly and honest chronicle "of the calamities occasioned by *foreign influence*."

VI. The last point, that I consider entitled to notice, is the borrowed argument against episcopal synods, and the fraudulent quotations of councils in Carthage and Seville. According to our author, *episcopal* synods, in the *exclusive* shape, are adverse to justice; because, in cases between bishop and clergyman, the bishops, if *implicated in a common guilt*, will make a party against the clergyman. We have seen, that the argument has its illustrious origin in the complaint of the Donatists to Constantine. A bishop, with *Columbanus*, is another name for a tyrant and wicked judge. Unfortunately, such judges are of *Christ's*

Christ's appointment ; and this doctrine, if applied to the government of the land, will sound perilously. I, for my part, suspect for a great saint, or for a great criminal, the man who cries out, that he is refused justice in every quarter, and that, without a revolution, he cannot be what he declares himself worthy of becoming ; who rages for a *salutary reform*, he himself not holding any rank in existing systems ; who talks of the Egis of protestant statesmen in a question of catholic religion ; and who, as *Columbanus* has done, in order to prove, that the secular power has jurisdiction over sacred causes, quotes the jurisdiction exercised by *Pontius Pilate*, in condemning the son of God. If *Columbanus* had read a little farther in the text, he might have become wise to soberness. “ *Thou couldst have,*” said Christ, “ *no authority upon me, if it had not been granted to thee from above.*” True. For God had *surrendered* him into the hands of sinners. But the Saviour adds, “ *Wherefore* he, who *hath betrayed me unto thee,* hath still a *greater sin.*” The *Columbanus* Iscariot was more guilty than the sober antifanatical Pontius.

In order to shew, that a bishop cannot *suspend* a priest, unless in synod, wherein the second order shall be *assessors* and *fellow overseers*, he has quoted in three different shapes, and recently has affected to give at length the words of a canon enacted at Seville. The quotation is too long for the present time.

I shall

I shall give the facts, and touch on the frauds committed by our author. Agapius of Cordova, turned bishop from having been a military officer, degraded and condemned to *imprisonment and slavery* a priest, without any crime committed, and therefore unjustly. *Columbanus* takes it for fact, that this priest was *not* tried in any shape whatever; but this supposition is absurd. Fragitanus put in his appeal to the six bishops assembled at Seville, after the death of Agapius: he was declared guiltless, reinstated in his order, and, to obviate the progress of an evil such as that proved, the council of bishops *re-enact* a statute passed at Carthage, that no priest or deacon should be *tried* by a single bishop. Hitherto the errors of *Columbanus* are probably sins of ignorance. He did not know, that *exilium*, in that Spanish Latin, meant secret imprisonment; and, when he prefers a barbarous reading to the fair one, he knew not that *denuo adversus novam*, was tantamount to *de novo adversus novam*; or that, *dejiciendum audeat*, is not Latin at all. The council then says, that *many*, without full examination, sentence persons, not by canonical authority, but by tyrannical domination; exalting to church rank some through favour, degrading others out of *hatred and envy*; and without proving any crime, sentence on light fancies: that a *single* bishop may ordain to deaconship and priesthood, (which conditions are *honores* in the church) but a single bishop cannot degrade; because,

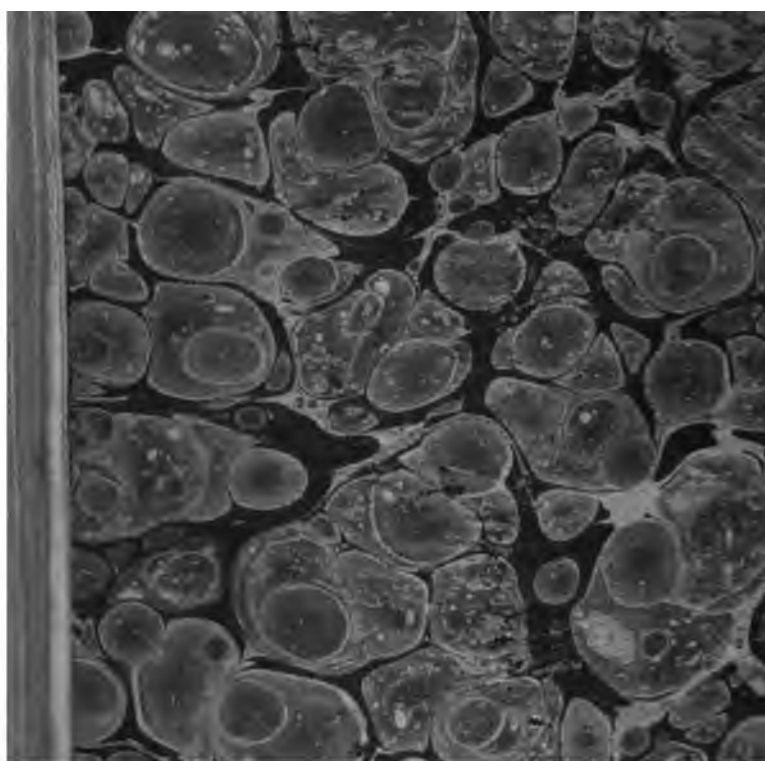
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if a slave once manumitted cannot be *thrown back into slavery*, until crime be openly, in court of the highest justice, proved upon him, how much more ought those *not to be reduced to thraldom*, who had been consecrated to the service of the altar: that such cannot be *sentenced* by one, nor upon the sentence of one be despoiled of the privileges of their order; but, being brought before the judgment seat of an (Episcopal) synod, ought to receive there what the canons define. To omit minor inaccuracies, *Columbanus* translates, how much more ought those to have a *fair legal trial*, who are vested with ecclesiastical honour “and consecrated *at the altar*?” From this canon he infers, not that which it enacts, namely, that no final sentence affecting rank and, at that time, affecting liberty, should be pronounced by a single bishop, either with or without those *overseers* of *Columbanus*; but that no presbyter can be safely tried, unless in a *synod*, wherein the *second* order shall have a judicial suffrage.

Our author quotes for his purpose some true and threadbare documents, some false documents; but, whether true or false, he always baffles the question. Without the prolixity of quotations, the discipline of Africa was settled under *Gratus* of Carthage; that, for the trials of bishop, presbyter, and deacon, a certain number of bishops should sit in judgment, of whom the ordinary to be one on the trials of presbyter and deacon.

deacon. The suspension, however, or excommunication by the bishop was to be obeyed until the judges met. From the African disputes between catholics and Donatists, still more from the litigious and cunning temper of the natives, joined with a tendency to insurrection on the one hand, and to tyranny on the other; lastly, in order to allure the African clergy of the second rank from appeals to Rome, the episcopal councils there enlarged to an extraordinary degree the benefit of trials, and made *proveable* guilt coequal with guilt, and guilt residing in suspicion, though general, coequal with innocence. In the case of Apiarius, they granted to a man, whom they themselves afterwards represent as a person not fit to live, but who was appealing beyond the seas, the terms of preserving *his* rank, provided he would relinquish the district: lastly, they went so far, as to *allow the No* of priests or deacons to countervail, as joined with a possessory title, the *Yes* of a bishop. They next allowed judges of choice, but unappealable, between accuser and accused; lastly, triple appeals. Saint Augustine, who was a party to those improvements, preached against them to his people, and set them at nought in practice, in a case of rank suspicion. The African canons, having got into Rome under Symmachus, got into vogue also from the increased weight gained by contested elections, from Arian interference, from great wealth, great temporal power, and from the consideration, that in all offences by clergymen, saving those

those *laesae majestatis*, the episcopal sentence was final, as to guilt and as to the mode of punishment. The Evangelical maxim, "reprove him between thyself and him alone," was apparently merged in the forms of pretorian law. Saint Paul had threatened the Corinthians, that at his return he would not spare: that every cause should depend *on the proof by two or three witnesses*: he had advised his disciple to receive no accusation against a presbyter, without two or three witnesses. Our Lord, before the high priest, had said, "if I have spoken evil, give evidence as to the evil." But the apostle had spoken of visible punishment, and concerning a church in which he could not judge but by testimony: the saviour had spoken after open indignity experienced without a crime or charge, from the blow of a servant. From this time the paternal rebuke of the bishop began to be tampered with by legal formalities, and almost every degree of correction was made a matter of appeal or of legal proof. The system was soon found defective. Even Saint Augustine had been compelled to send *clergymen* to Nola, that they might purge themselves, by oath, at the tomb of Felix, reported miraculous in smiting perjurers. The church of France, however, did *not* admit those African precedents. They distinguished between lesser and greater crimes (the *causæ graviores quæ juramento finiendæ sunt* Aurelian. iv.) and they allowed not, even in the case of appeal to a synod, the word of a bishop,



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